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CAPTAIN HALL

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CAPTAIN HALL

IN

AMERICA.

The following Remarks were, in substance, prepared, not long after the appearance of the work to which they refer, for the inspection of a gentleman in this country, to whose kindness the writer had been largely indebted. In the midst, indeed, of mutual and very sincere congratulation on the cordiality which seemed so happily to prevail between the two nations, Captain Hall came hastily to inform us, that there existed, on the contrary, a spirit of "mutual animosity"—and while he pledged a whole life's observation as to its general prevalence in Great Britain, referred to his late trip to the United States as having satisfied him that a corresponding temper was to be found in that country. The intelligence was no less painful than unexpected, particularly when followed up by a stern declaration that any attempt to soften these "unkindly feelings" was not "either practicable or desirable." It was natural, under such circumstances, that his book should be closely looked into, for the purpose of ascertaining the temper and qualifications with which he had entered on his task and been led to conclusions believed to be as erroneous as they are lamentable. The following pages disclose the result of that examination. They are now published on the suggestion—perhaps a rash one—that they exhibit greater anxiety and care than have been elsewhere displayed in reference to what must be deemed the primary object of solicitude, with all those who have at heart the continuance of peace and of a mutual good understanding. The writer has had the aid of the judgment of others in believing that, although they exhibit no temper of adulation towards this country, there will be found nothing which should, in fairness, defeat his purpose of calmly appealing to reason, and of endeavouring to dissipate what he deems an unhappy delusion.

The Quarterly Review has boasted that its strictures, odious as they may be, are yet read and reprinted on the other side of the Atlantic. Undoubtedly no harm, but the contrary, is likely to result from what may sometimes serve to check that inordinate self-complacency and consequent arrogance, which it is, unfortunately, in every nation, the interest of domestic writers to flatter rather than to rebuke. Even when told, as in the Number for April last, that "*the memory of Washington will probably*

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be nearly extinct before the present century expires," (p. 358;) the people of the United States, while they are quite incredulous, yet listen with patience to all that can be urged in derogation of their institutions, and of their great men, in the hope that, amidst a great deal of angry assertion, there may, perhaps, be found some useful, though unpalatable, truth. The writer has no wish to try any such severe experiment on the good temper of the British Public. He will make no invidious predictions as to the personages most likely to be remembered at the close of this century, because he can see no advantage likely to result from such puerility, and because it really looks a little like taking an unfair advantage—since a writer, now of mature age, cannot expect, in the course of nature, to be alive at the period fixed, to answer to the public for misleading them on such a point. Nor, if jealousy must be roused where so many reasons exist for kindness and affection, is he at all ambitious to be recognised, hereafter, as one of those who struggled for the infamous distinction of being the Iago of the tragedy. Leaving then, posterity quite untrammelled to its election, the writer is content, despite of the supposed national foible of anticipation, to meddle only with topics in reference to which falsehood may at once be detected and exposed.

It must be obvious that nothing can well be more difficult than to give a conclusive answer to this allegation of hostility of feeling. To disclaim it is of little avail, for this is said to be the way with *all* prejudiced people. Were it, indeed, possible to subject to a rigid cross-examination, in the presence of the two nations, all those who have taken on themselves the responsibility of spreading abroad these exasperating representations, it might be no difficult task to succeed, as in private life, in transferring to the vulgar, mischief-making go-between, the odium which he has attempted to excite in kindred families. Though it is, unfortunately, out of our power thus to pursue and expose to shame all who have fabricated or diffused the malignant tale, yet Captain Hall has, in this respect—whatever may be otherwise his merits—unquestionably rendered a valuable service to both countries, since he has, unconsciously, furnished as striking an example as could be desired, of the perfect facility with which all such statements may be resolved, into the folly, the ignorance, the prejudices, the rude and insolent misconduct of the amiable personages, who take such pains to convince two nations that they cordially detest each other. He undoubtedly stands amongst the foremost of those who insist upon it, that Great Britain and America *do* and *shall* cherish towards each other "unkindly feelings;" and were it not for the melancholy conclusion at which he arrives, it would be impossible not to smile at the completeness of the self-delusion under which he shows himself to have laboured from beginning

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to end. He reminds one of the *somnambule* of the stage holding up a light to his own countenance, and enabling those who watch his movements to see how completely his eyes are closed.

But a preliminary question may be asked—*Cui Bono?* Why this morbid anxiety about what is thought or said of you in England? Why not wrap yourselves up in the indifference and disdain which the tourist has recommended, and laugh to scorn, or return with interest, those "unkindly feelings" of which he speaks? "Do we worry and fret ourselves about what is said of us in America? Certainly not." "I must say, that I have always thought this sort of soreness on their part a little unreasonable, and that our friends over the water gave themselves needless *mortification* about a matter which it would be far more *dignified* to disregard altogether." Without stopping to remark that the temper here recommended to America, is precisely that which she has been heretofore accused of cherishing—and without caring in reply to such coarse suggestions, to refer to those sympathies from which the descendants of Britons cannot readily disengage themselves—the writer may suggest that it is scarcely possible for this mutual hatred to remain long in the system in a dormant state. There are many—very many—points of discussion which will instantly spring up between the two countries in the event of a war in Europe, and a spark struck out from such a collision will never be wanting to kindle whatever it may light on of an inflammable nature.

To indulge in the language of menace, on such a subject, to Great Britain, would defeat the writer's purpose, because she would instantly meet it with defiance. Yet it may not be unworthy even of a brave, and very powerful, people to reflect, that they seem to be approaching, gradually, but inevitably, towards a great struggle, which is likely to task all their powers, and to render it at least unwise to multiply, unnecessarily, the number of their enemies. Montesquieu, in his profoundest work, has said of the Turkish Empire, "Si quelque Prince que ce fut *mettait cet Empire en peril* en poursuivant ses conquêtes les trois puissances commercantes de l'Europe connaissent trop leurs affaires pour n'en pas prendre la défense *sur le champ.*" True, the course of policy thus marked out has not been exactly followed. The Turk has been prostrated, and, when lifted from the ground by his late foe, will probably rise, according to the usual course of human passions, with a new and ardent desire for revenge on those whose magnificent phrases of friendship, as he alleges, led him to expect that timely aid which, in his hour of peril, he looked round for in vain. Unless all history, and the workings of the human heart be belied, this must be the present feeling of the humiliated infidel;

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and, at the next turn of affairs, he may be found the willing and exasperated auxiliary of a power, which, at least, he cannot pretend to charge with having violated that Good Faith which it is his own great boast to have always most scrupulously observed. England must feel that the steelyards by which she has heretofore sought to adjust the balance of Europe, are at this moment rendered useless by the weight of the Autocrat; and she is sufficiently disposed to cast her sword, like Brennus, into the scale. The late overstrained civility of the Turk is a circumstance which, at least amongst all the tribes of the Aborigines of America, has been invariably found the surest indication of a deadly and well-concerted scheme of hostility. When it shall be ascertained, then, that Turkey is now a mere masked battery of Russia on the Dardanelles, it will probably be difficult for England to avoid adopting some decisive measures. Come when the struggle may, it will of course, so far as she is concerned, be carried on by her Navy, and in sixty days after its commencement, the United States will be in a flame, in consequence of that practice of *Impressment* which authorizes every British naval officer to take forcibly from American ships such seamen as—in his anxiety to complete his crew—he may choose to pronounce British subjects. Is it not worth a struggle, then, on the part of the moral and reflecting of both countries, to deprecate a temper which will render the calm discussion of such a subject quite hopeless? What possible advantage can result from the vulgar and stupid invective which, in a work of the standing of the Quarterly Review, is constantly poured on the United States? The very same number which condemns General Washington to speedy oblivion, uses the following language with regard to another favourite of the American people: "General Jackson is now *at the top of the tree;* how long he may maintain," &c. "The American statesman is but born to die and be forgotten. The Monroes, and Madisons, and Jeffersons, are sunk into the common herd. We do *know* that General Jackson's conduct at New Orleans was not such as in the English army would have promoted the captain of a company to a majority." Surely, this kind of language is calculated to answer *no good* purpose whatever; whilst its most obvious effect is to excite a deep feeling of resentment towards the only people from whom it is heard. Whither are our repelled affections to turn? The offer by the late Emperor Alexander of his mediation between Great Britain and the United States was promptly accepted by us, and the contemptuous rejection of it by the other party was heard of only after the American Commissioners had arrived at St. Petersburgh, and been received with the utmost warmth of kindness. The uniform courtesy—the friendly interest on all occasions—the solid acts of service of that illustrious personage, have made a deep impression on the minds of

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the Americans, who are grateful even for kind words. It is scarcely necessary to add, that the memorable declaration of Russia on the subject of Neutral Rights in 1780,* is to the last degree acceptable to the United States. The Abbe de Pradt, referring to the commercial advantages of Sweden, anticipates the time when her sailors, "reunis avec les marins des autres puissances de l'Europe forceront peut etre quelque jour l'Angleterre a temperer par la justice l'exercise de sa superiorité maritime." Why compel America to look forward with pleasure to such a period as bearing upon the fortunes of a spiteful, libellous, and malignant enemy?

But it is high time to revert to Captain Hall's Travels. The whole of the work, except what relates to the personal movements of the Captain and his family, consists of a comparison between the institutions, character, and manners of the Americans, compared with those of Great Britain, always to the disadvantage of the former, and generally conveyed in terms bitterly sarcastic and contemptuous. It will puzzle the reader to understand how he could express, on the one hand, more of eulogium, or, on the other of reprobation; and yet there is found, at page 14 of his first volume, the following extraordinary declaration:—"Every word I now publish to the world, I have repeatedly and openly spoken in company in all parts of the United States; or, if there be any difference between the language I there used in conversation and that in which I now write, I am sure it will not be found to consist in overstatement, but rather the contrary." And again: "I repeated openly, and in all companies, every thing I have written in these volumes, and a great deal more than, upon cool reflection, I choose to say again." "I never yet saw an American out of temper: I fear I cannot say half so much for myself," &c. The additional bitterness imparted to his oral communications could not have been in substance, but must have been in manner; and this idea is strengthened by another paragraph: "The lady's suspicions, however, instantly took fire *on seeing the expression of my countenance.*" That his own deportment was uniformly *offensive*, may be inferred from his complaining with an amusing naivete, "They were *eternally* on the *defensive.*" Another favourite topic, and one which he good-naturedly, urged upon the Americans on all occasions, was their utter insignificance in the scale of nations. "I will now ask, *as I have often asked, any candid* American, how it would have been *possible* for us to look across the murky tempest of such days, in order to take a distinct view, or *any view at all*, of a country lying so far from us as America." "They cannot, or *when brought to close quarters*, they seldom *deny* that they have done scarcely any thing," &c.

* See Annual Register for that year, p. 347.

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The females seem to have been the peculiar objects of his sarcastic "tone," and "expression of countenance." Thus, on visiting the High-school for girls, at New York, Captain Hall requested that the poem of *Hohenlinden* might be recited. This having been done, and his opinion given, "I suppose," says he, "there *was something in my tone* which did not quite satisfy the good schoolmistress;" and she asked him to state his objections. He complained, accordingly, that "in England, the word *combat* was pronounced as if the *o*, in the first syllable, was written *u*, *cumbat*, and that instead of saying *shivalry*, the *ch*, with us, was sounded hard, as in the word *chin*." It is not so much with his criticism we have at present to do, as with the sneering question with which he represents himself to have prefaced it. "Pray," said he, "is it intended that the girls should pronounce the words according to the received usage in England, or according to *some American variation* in tone or emphasis?"

The universal hospitality with which Captain Hall was received seems to have excited his suspicion. "Every one, as usual, more kind than another, and all so anxious to be useful." He ate, it is true, of the "goodly suppers of oyster soup, ham, salads, lobsters, ices, and jellies, to say nothing of the champaigne, rich old Madeira, fruits, and sweetmeats, and various other good things;" yet he mused over all this. It wore an air of concert. "Foregad they are in a tale," says the sagacious and wary Dogberry, on hearing *both* prisoners protest their innocence. What could the crafty Yankees mean by thus fattening him up? What ulterior objects had they? At length, with his accustomed ingenuity, he contrived to frame an hypothesis which settled the difficulty. This hospitality has its origin in a kind of superstitious feeling about their deadly hatred of England, and is designed, like the giving of alms or founding a church in old times, as a sort of compromise with conscience, for harbouring the most unchristianlike propensities. An American, according to Captain Hall, is "*glad* of any opportunity to make up, by his attention to individuals, for the *habitual* hostility which, as a sort of duty, they appear collectively to *cherish* against England as a nation."

Lord Chesterfield, writing to his son, has the following remarks as to the *Parisians:*

"In *Paris* they are particularly kind to all strangers who will be civil to them, and show a desire of pleasing. But they must be flattered a little; not only by words, but by a seeming preference given to their country, their manners, and their customs; which is but a very small price to pay for a very good reception. Were I in Africa, I would pay it to a negro." Le Sage, too, in making a hit at what he found the universal human nature of his day, represents poor Gil Blas as turned off by the Abp. of Granada, for gently hinting the truth, after having been expressly

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ordered to notice and report the least failure of intellectual vigour. But the Americans, according to Captain Hall, manifested nothing of this silly weakness. They did not make their hospitality at all contingent on his willingness to humour their prepossessions. He said to their faces all the contemptuous things which we find in his work, and a great deal more. There was nothing about him of "that gentleness and urbanity" which, in the language of Sir Walter Scott, when sketching his favourite character, "almost universally attract corresponding kindness." Yet these people were proof against all provocation. Captain Hall says, he went the length of declaring, that it was "characteristic" of Americans to retain that animosity which, with the more generous Englishman, had passed off with the flash of the guns. They did not thrust him out of doors, as the Archbishop did Santillane, wishing him a great deal of happiness, *with a little more taste.* When he returned from Canada to New York, after his philippic at Brockville, he thus describes his reception: "We were soon, indeed, made still more sensible of our sympathy with it by the renewed attentions and kind offices of every description, on the part of friends, who would give the character of home to every quarter of the world." He expresses a hope, that his book will be received "with the same frank and manly good humour, which I felt as the highest compliment to my sincerity, and the most friendly encouragement that could possibly be offered to a stranger wishing to investigate the truth. Had it been otherwise, or had any ill temper slipped out on these occasions, my researches must have been cut short." And so of another City, after his return from the West, "We could scarcely believe that Philadelphia, which however, we had always liked, was the same place, every thing looked so clean and comfortable, and the people were all so kind, and so anxious to be useful, as if they wished to recompense us for the hardships we had been exposed to in the West." Speaking of the entire population, he declares, "I must do them the justice to say, that I have rarely met a more good natured, or perhaps, I should say, a more good tempered people; for during the whole course of my journey, though I never disguised my sentiments, even when opposed to the avowed favourite opinions of the company, I never yet saw an American out of temper." Yet Captain Hall has meanly consented to borrow the epithet of The Quarterly Review (No. 78, p. 356,) and to designate the Americans as "this most *thinskinned* of all people."

Another of Captain Hall's favourite topics, was, it seems, a reference, in a style of his own, to the War of the Revolution. The following passages may be grouped together, and will suggest a few remarks.

"I have often met with people in that country who could scarcely believe me sincere, and thought I must be surely jest-

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ing, when I declared my entire ignorance of many military and political events of the period alluded to, so momentous to them, however, that every child was familiar with the minutest details. And they would hardly credit me when I said I had never once heard the names of men, who I learnt, afterwards, were *highly* distinguished on *both* sides, during the Revolutionary War." "We on this side of the Atlantic, in the Old Mother Country, who have been *robbed of our young*, are not only left without any encouragement to speak or think of such things *with pleasure*, at this hour of the day, but in times past, have been *deterred* by every motive of *national* and *personal pride* acting in concert from such inquiries." "We, who were then either not in being, or mere children, could have no agreeable motive, as we grew up, to tempt us to investigate such a subject for ourselves, or to listen to the tale told us by our seniors *in the bitterness of their spirit*. Even if we did hear it spoken of by them, it was *always* in terms which never encouraged us to push our inquiries farther, or disposed us to think very *kindly of the new countries which had gained their point*, in spite of all our efforts to the contrary." "If I were asked to give my countrymen an example of the extent of the ignorance which prevails in America with respect to England, I might instance the erroneous, but almost universal opinion in that country, that *the want of cordiality, with which the English look upon them*, has its origin in the old recollections alluded to: and I could never *convince them* that such *vindictive* retrospections, which it is the *avowed pride and delight* of America to keep alive in their pristine asperity, were entirely *foreign to the national character of the English*, and inconsistent with that *hearty* John Bull spirit, which teaches them to forget all about a quarrel, great or small, *the moment* the fight is over, and they have shaken hands with their enemy in token of such a compact. At the same time I cannot, and never did deny, that there existed amongst us a considerable degree of *unkindly* feeling towards America, but this I contended was ascribable not by any means to past squabbles, recent or remote, but exclusively to causes actually in operation, in their full force at the present moment, and lying far deeper than the memory of these by-gone wars." "There is this very material, and I take the liberty of saying *characteristic* difference between the two cases. We have long ago forgotten and forgiven—out and out—all that passed," &c. "Over the speaker's head, was, of course, the large well known picture of General Washington, *with his hand stretched out, in the same unvaried attitude* in which we had already seen him represented in many hundreds, *I may say thousands*, of places, from the Capital at Albany to the embellishments on the coarsest blue China plate in the country."

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Is not this very puerile? The anxiety, moreover to multiply sarcasms, has surely betrayed the author into some degree of inconsistency. He is first seen to account, very satisfactorily, for the circumstance that the War of the American Revolution has never been in Great Britain a favourite portion of history; he talks of the "bitterness of spirit," which survived the contest, and which *always* manifested itself when the men of that day afterwards even touched upon the subject to their descendants "as they grew up;" and an indisposition to "think kindly" of America was the natural result. Yet he forthwith turns round, and is very indignant at the notion that either father or son, ever deigned to remember any thing about this same war —such tenacity of memory, being inconsistent with that hearty John Bull spirit, which teaches them to *forget all about* a quarrel, great or small, *the moment the fight is over*," &c. Really the Captain's theory on this subject is a very singular one. He means to say, if any clear inference can be drawn from his expressions, that there can be no lingering feeling of "unkindness," in reference to that war, *because* though the old people did to their dying day, speak of it in the "bitterness of their spirit," though the young, from these outbreaks of passion, did take up from infancy a notion that they ought not to "think kindly" of America, yet the Englishman of the present day is not familiar with the *details* of the odious contest, and has been "deterred" from looking into them, by a fear that his "*national and personal pride*" might be too deeply wounded in the examination. Surely Captain Hall cannot have deceived even himself by such arrant nonsense. However the fact may be, certainly the language of this writer would go very far to establish the existence of such a feeling. He represents it as hereditary, blind, intractable; connected with a notion of deep indignity offered to those, to whom are due life, nurture, education, whatever is most valuable and endearing. Let us suppose the incident to be one in private life; touching merely "personal" and not also "national" pride—some foul stain on the honour of a female member of a proud house—does Captain Hall suppose, that because the details of the seduction might not be a subject of frequent recital—because the younger members of the family might gather them, brokenly at moments of parental anguish, that, *therefore*, the impression of hate and resentment would be less vivid and permanent, than if all the particulars had been frequently discussed at the fireside? We must hope that Captain Hall is mistaken as to his premises; his inference is manifestly absurd.

But all this serves only as an introduction to his remark, that it is *characteristic* of the Americans to cherish national resentments, and his reason for fixing so odious a charge on a people whom he found most mild, placable, and good tempered, is, that

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they did not seem to have the same morbid horror, as himself, of looking into the History of the Revolution. Thus his doctrine would seem to be that no incidents should be remembered by either party to a war, unless they are of a flattering character to both of the combatants, and that there should be inserted in every Treaty of Peace an article declaring what battles may be talked of without danger or offence. Yet in England, the Frenchman is still doomed at the theatres and the places of education, to hear perpetual allusions to matters as far "by-gone" as the battle of Agincourt; the schoolboy yet spouts—

> "I tell thee, herald,
> I thought upon *one* pair of English legs
> Did march *three* Frenchmen! yet forgive me, God,
> That I do brag thus. This your air of France
> Has blown that vice on me!"

and the youthful king is heard to cheer his followers with the hope of that very reward, which Captain Hall assures us American gratitude has bestowed on the heroes of the Revolution:—

> "This story shall the good man teach his son."
> "Our names
> Familiar in their mouths as household words."
> "Be he ne'er so vile
> This day shall gentle his condition."

Would not an Englishman be inclined to smile at hearing his visiter from the other side of the Channel complain that wherever he went in London—amongst the living or the dead—he found something to force on his attention the recollection of the contests of the two nations? The monuments at Westminster Abbey and St. Paul's embody the strife of ages: If he walk about the town he finds himself in Waterloo Place: if he wish to cross the river, he is recommended to Waterloo Bridge; and he cannot take an airing in Hyde Park but there is the Duke of Wellington, under the guise of Achilles, with legs and arms "eternally extended," frowning defiance at him, from a pedestal labelled with satire on France. In vain would he declare that *he* had forgotten all about these matters, "out and out;" that a chivalrous Frenchman scorned to retain animosity, and that it almost maddened him to see so many images, "hundreds, I may say thousands," of "The conqueror of Napoleon," on sign-posts, snuff-boxes, coffee-pots, and pocket handkerchiefs. It would be equally in vain for the Spaniard to ask that the tapestry of the House of Lords should be taken down as commemorative of "by-gone" hostility, and as having furnished so many irritating allusions against his country.

But the most alarming disclosure as to the Captain's temper is in the following confession, after he had been only a few weeks in the country: "I acknowledge fairly that after some experience in the embarrassing science of travelling, I have often been so

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much out of humour with the people amongst whom I was wandering, that I have most perversely derived pleasure from meeting things to find fault with; and *very often*, I am ashamed to say, when asking for information, have detected that *my wish was rather to prove my original and prejudiced conceptions right, than to discover that I had previously done the people injustice.*"

He visited one of the watering places, but it was after the season had passed; and the building seems to have been hastily run up to accommodate an unexpected crowd of company. "It is true we were at the Springs after the season was over, and, therefore, saw nothing in the best style; but I *must* describe things as I found them, in spite of *the explanations and apologies which were showered upon me* whenever anything, no matter how small or how great, *was objected to.* He wished one of the windows of the dining-room to be kept open, "but there *had not been time* to place any counterpoises, nor even any bolt or button to hold it up; the waiter, however, as usual, had a resource at hand, and *without apology or excuse*, caught up the nearest chair, and placing it in the window seat, allowed the sash to rest upon it." The poor people must have had a hard time, with a guest, who, in the same breath, damns them because they shower apologies on him, and because they do *not* offer any apology for complying as far as could be done, with his wishes. Again; "When the Chambermaid was wanted, the only resource was to proceed to the top of the stair, and there pull a bell-rope, common to the whole range of apartments."

It is not until near the close of the book that we are led into a secret as to the bodily condition of Captain Hall, which may, perhaps serve as a clue, to many of his irregularities of temper. Certain expressions occur, which lead us, charitably, to frame for him the apology which has been made for his countryman and prototype as a traveller—Smelfungus. Thus he speaks of a tourist being so entirely out of conceit, as it is called, with the whole journey, and every thing connected with it, that he may wonder why he ever undertook the expedition, and heartily wish it over. At such times all things are seen through a *bilious medium*," (vol. 3, pp. 306, 7.) With an amiable frankness he lets us into all the little personal peculiarities, which self-examination or the close observation of others had detected. Thus: "I have not much title, *they tell me*, to the name of gourmond or epicure." Yet in the very same page he is seen heedlessly running into an excess, which any body could tell him would bring on his complaint. The only expression of enthusiasm in his book is about his meals. "A thousand years would not wipe out the recollection of our first breakfast at New York," and again he speaks of "the glorious breakfast," and finally declares it was "as lively a picture of Mahomet's sensual

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paradise, as could be imagined; nothing but shame, I suspect, prevented me from exhausting the patience of the *panting* waiters, by further demands for toast, rolls, and fish," (the very worst things he could take.) Of course after such a piece of indiscretion he is as heavy, miserable, and peevish, as that Sophy whom Byron commemorates, and whose savage cruelty of temper is referred to the like derangement of the digestive organs.

We may advert to another of the topics of conversation by a perpetual introduction, of which Captain Hall sought to render himself agreeable.

"The practical difficulty which men who become wealthy have to encounter in America, is the *total absence* of a permanent money-spending class in the society, ready not only to sympathise with them, but to serve as *models in this difficult art.*" "A merchant, or any other professed man of business, in England, has always before his eyes a large and permanent money-spending class to adjust his habits by. He is also, to a certain extent, in the way of communicating familiarly with those, who having derived their riches by inheritance, are exempted from all that personal experience, in the science of accumulation, which has a tendency to augment the difficulty of spending it well."

If the reader has had the patience to follow this exposition of Captain Hall's temper and course of conduct, it will scarcely be deemed a matter of surprise, that, in these discussions, his antagonists did not deem it *their* part to pay extravagant compliments to the institutions cast up to them in the way of disparaging contrast. He represents himself as uttering, on all occasions, and in every company, the severe things he has here printed, *and worse.* Surely, then, a gentleman or a lady, forced to be "*always* on the *defensive*," might well leave the *other* side to a champion whose voice, gestures, and "expression of countenance," were all enlisted. It appears that Captain Hall is a Scotchman. Let us suppose that he were to travel over England in the same temper, and holding pretty much the same language as that in which his countryman, Sir Archy Mac Sarcasm, makes love:

"*Sir Archy.* Why, madam, in Scotland, aw our nobeelity are sprung frai monarchs, warriors, heroes, and glorious achievements; now, here, i' th' South, ye are aw sprung frai sugar hogsheads, rum puncheons, wool packs, hop sacks, iron bars, and tar jackets; in short, ye are a composition of Jews, Turks, and Refugees, and of aw the commercial vagrants of the land and sea—a sort of amphibious breed ye are."

"*Charlotte.* Ha, ha, ha! we are a strange mixture indeed, nothing like so pure and noble as you are in the North."

"*Sir Archy.* O, naithing like it, madam; naithing like it—

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we are of anaither keedney. Now, madam, as ye yoursel are nai weel propagated, as yee hai the misfortune to be a cheeld o' commerce, ye should endeavour to mack yeer espousals intul yean of oor auncient noble fameelies of the North; for yee mun ken, madam, that sic an alliance will purify yeer blood, ane gi yee a ronk and consequence in the world that aw your palf, were it as muckle as the Bank of Edinburgh, could not purchase for you." The nature of his quarrel with the Irish Sir Callaghan, about a matter so far by-gone as the mode in which Scotland was peopled, may be gathered from his denunciation, "Though yeer ignorance and *vanety* would make *conquerors*, and ravishers of yeer auncestors," &c.; and these are his parting words of advice, "But now, Sir Callaghan, let me tell ye, ass a friend, ye should never enter intul a dispute about leeterature, history, or the anteequity of fameelies, frai ye ha' gotten sick a wecked, aukard, cursed jargon upon your tongue, that yee are never inteelegeble in yeer language."

Imagine a Scotchman, in this temper protruding on every company in England, into which he might gain admittance, a loud and vehement preference of the institutions, society, and manners of his part of the Island, over those of the Sister Kingdom. Such conduct would, in the first instance, be gently parried, as only silly and ill-bred; but if his letters of introduction were such as to cause his frequent reappearance in society, and he were found there perpetually indulging in the language of disparagement—putting on a harsh and contemptuous "expression of countenance" towards the lady next to him at the table, who might venture to question his opinions, it is scarcely possible to believe that he could escape rebuke. Had he lived in the days of Dr. Johnson, and found his way to the Club, what a glorious day for Boswell! Writing to his Biographer (æt. 66,) the great Lexicographer says, "My dear Boswell, I am surprised that knowing as you do, the disposition of your countrymen to tell lies in favour of each other, you can be *at all* affected by *any* reports that circulate among them." Boswell adds, in a shy, timid note, "My friend has, in his letter, relied upon my testimony, with a confidence of which the ground has escaped my recollection." Even from gentler spirits he would be very apt to hear of some of those matters of sarcasm which Junius, and Macklin, and Wilkes, and others, so abundantly supply as to their effrontery—their pushing temper—their meanness—their "booing" sycophancy—their absurd prejudices, &c.; and as Captain Hall tells us of his "much acquaintance" with "all classes of society in England," he would certainly have been assailed amongst the lower orders with all sorts of scurrilous allusions to their beggarly disposition, their want of cleanliness, with more than one unpleasant consequence which may not be named. Goldsmith

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speaks of a Scotchman, in London, who refused to take remedies for a cutaneous eruption, declaring that so far from being an annoyance, the constant necessity for friction tended to make him "unco thoughtful" of the wife and bairns he had left at home. Last, though not least, of the vulgar charges, would be the origin of Burkeing.

Unquestionably such a traveller would return from his finished tour, grown ten times more prejudiced than he started. He would assure his friends that it was high time to dissolve the Union—that he had not heard, during his whole journey, a word of compliment to his native country; but that every allusion to it was in a sneering, disparaging temper. And why was this the case? Simply because, with a person so utterly rude and ill-bred as to advert to such topics, merely for the purpose of making insolent comparisons, there was neither necessity nor inclination to enlarge on the many admirable qualities of Scotchmen—their bravery, their energy of purpose, their intelligence, their honour, their patriotism. Just so it must be in America, and in every other country, visited by a traveller in the same absurd temper. Captain Hall certainly did not behave thus among the savages of *Loo-Choo*, whom he represents to us as so amiable and sentimental; but having been egregiously duped by them, he really seems to have settled down into the melancholy conclusion of Sir Peter Teazle, when *his* sentimental friend stood exposed: "It's a d—d bad world we live in, and the fewer we praise the better."

Probably the greater matter of surprise to the reader will be, that amidst all these heats, he never got into a downright quarrel. But he declares, "I must do the Americans the justice to say, that they *invariably* took my remarks in good part." Even in Kentucky, whence the English reader would scarcely expect such a traveller to escape without, at least, the loss of an eye, his vision was not only uninjured, but opened fully upon the magnificent features of that beautiful region, and the character of its frank-spirited and generous people. "The narrow bends or reaches also of the magnificent Ohio, just at this spot, covered over with steam-boats and rafts, and fringed with noble forests and numberless villas, added greatly to the enchantment of the scenery at this most interesting section of all the backwoods. I need hardly say that our letters of introduction soon brought troops of friends to our service, who, as in every other part of this hospitable country, were anxious to make our stay agreeable and profitable."

In the celebrated "Memoir" of Talleyrand, he thus states the result of his personal observation: "Identity of language is a fundamental relation, on whose influence one cannot too deeply meditate. This identity places between the men of England and of America a common character, which will make them always

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take to and recognise each other. But an insurmountable barrier is raised up between people of a different language, who cannot utter a word without recollecting that they do not belong to the same country; betwixt whom every transmission of thought is an irksome labour, and not an enjoyment; who never come to understand each other thoroughly; and with whom the result of conversation, after the fatigue of unavailing efforts, is to find themselves mutually ridiculous. "Nor should one be astonished to find this assimilation towards England in a country, the distinguishing features of whose form of Government, whether in the Federal Union, or in the separate States are impressed with so strong a resemblance to the great lineaments of the English Constitution. Upon what does individual liberty rest at this day in America? Upon the same foundation as English Liberty, upon the Habeas Corpus and the Trial by Jury. Assist at the Sittings of Congress, and of those of the Legislatures of the separate States. Whence are taken their quotations, their analogies, their examples? From the English Laws—from the customs of Great Britain—from the rules of Parliament. Enter into the Courts of Justice, what authorities do they cite? The Statutes, the Judgments, the Decisions, of the English Courts. Doubtless, if such men have not an inclination towards Great Britain, we must renounce all knowledge of the influence of laws upon man, and deny the modifications which he receives from all that surrounds him."

We will consent to use, on such a subject, the testimony of Lieutenant De Roos; "Nothing can be more unfounded than the notion which is generally entertained, that a feeling of rancour and animosity against England and Englishmen, pervades the United States." "Though vilified in our Journals, and ridiculed upon our Stage, they will be found, upon nearer inspection, to be brave, intelligent, kind-hearted, and unprejudiced; though impressed with an ardent, perhaps an exaggerated, admiration of their own country, they speak of others without envy, malignity, or detraction." "One introduction is sufficient to secure to an Englishman a general and cordial welcome." "At New York the character of an Englishman is a passport, and it was to this circumstance that we owed the facility of our entrance and the kindness of our reception." At a *table d'hote*, "We were, however, treated with the greatest civility by the promiscuous party who drank the king's health, out of compliment to our nation."

Mr. Stanley, a Member of Parliament, who recently travelled in the United States, held in the House of Commons, the following language. "So strong were the ties of a common origin that an English gentleman travelling in that Great Republic is sure to meet with the most hospitable reception, as he well knew by personal experience. That great country was proud to acknowledge its relationship to England, and to recognise the love

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and attachment it yet felt to the mother country, and would feel for ages."

Would it not, indeed, be most extraordinary, if any such disparaging sentiment, as Captain Hall represents, should be found generally to prevail amongst a grave and thoughtful people, when all the forms and institutions which concern them most nearly, are on their very face of a purely derivative character? Not a controversy, in any part of the Union, about an acre of land or a barrel of cod-fish, can be settled without asking what has been said at Westminster Hall, on the principles involved in it. Even as to matters touching personal liberty and security, we lately saw, that when an English fugitive was violently taken from Savannah to New York, and there laid hold of by civil process, he was discharged, because by the common Law of England, which is equally in force in New York, the process was tainted by the impurity of the proceeding, which brought him within its reach. Lord Holt had so decided. Captain Hall was surprised to see a bust of Lord Eldon over a bookseller's shop in New York; and on going into the Supreme Court, he says, it was "curious to hear one of the lawyers quote a recent English decision." Now does he think it possible, that persons who as jurymen, parties, or spectators, have this daily before their eyes—who find their own property, or that of their neighbours, passing on principles illustrated by Lord Coke, or Lord Raymond, or Lord Eldon, or Lord Tenterden—who recently saw Professors for a University anxiously sought for in England, even by the proud State of Virginia—are not prone to exaggerate, rather than to undervalue the advantages derived by the Mother Country, from her greater wealth and her maturer age?

Before we proceed to notice the remarks which Captain Hall has offered on the subject of the American Government, it may be well to advert, for a moment, to the qualifications which he brought with him to the task of criticism. The object of the more ambitious part of his book, is to institute a comparison between the political and judicial establishments of Great Britain and those of the United States. The extent of his acquaintance with the former becomes, of course, an important preliminary inquiry.

It would seem, from what is dropped in various parts of the work, that he was sent to sea at a very early age; so early, indeed, that he represents himself, it is presumed by a figure of speech, to have been at *no time* stationary. "I have been *all my life* at sea, *or* have been *knocking about*, in various parts of the globe, without ever having had leisure to read books written professedly on those topics, or even to take steps for making myself acquainted with what is the *orthodox philosophy* concerning them." He speaks, it is true, of "a little classical knowledge," picked up in his juvenile days," but his fear of

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having lost it is expressed in such a way, that we are reminded of Dr. Johnson's well-known reply to the young gentleman, who complained of an actual loss of the same description. Often as he vaunts, in his conversations, of the necessity in England of a "certain amount of classical knowledge," as the "indispensable mark of a gentleman," he forthwith evades any farther pursuit of the subject, or any friendly comparison of notes, by hastily adding, "always excepting, as you very well know, naval captains and country squires." In short—taking these circumstances in connexion with a reference which is made to the seductive influence of Robinson Crusoe, in "luring incorrigible runnagates to sea"—it is probable that the expression which he uses, as to the early commencement of his rambles, is not very far from being literally true. In no other way is it possible to account for the utter ignorance which he betrays of some of the most familiar principles of the British Constitution, an ignorance of which any landsman would surely be ashamed. Thus with regard to the king, it is said by Blackstone, (vol. 1. p. 246.) "The king can do no wrong. Which ancient and *fundamental maxim*, &c." And again, (vol. 3. p. 255.) "That the king can do no wrong is *a necessary and fundamental principle of the English Constitution.*" But mark the truly sailor-like style in which Captain Hall refers to this "necessary and fundamental principle of the English Constitution," and the foundation on which he supposes it to rest! "In England there is *a well-known saying*, The king can do no wrong;" thus resting this great principle on the same footing as "a cat may look at a king," or any other equally "well-known saying," touching the regal office. Would Captain Hall declare it "a well-known saying" in England, that a member of Parliament cannot be questioned elsewhere for what he utters in the House? Surely not. And the strange ignorance he has betrayed, however it may be palliated by his roving Robinson Crusoe habits, cannot well be excused in one who has reached a respectable rank in the British Navy.

With regard to the Judicial establishments of the two countries he is perpetually referring, in the language of taunt, to the superior firmness of the tenure of office in England. It is plain from every word he utters, that he is under a complete delusion as to the real state of the fact. In England, the Judges can be removed by a bare majority of the legislature, without any form of trial, or even an allegation of their having committed any offence. Paley states this with his usual correctness, (Principles of Moral and Political Philosophy.) "As protection against every illegal attack upon the rights of the subject by the servants of the Crown is to be sought for from these tribunals, the Judges of the Land become not unfrequently the arbitrators between the king and the people, on which account they ought to

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be independent of either; or what is the same thing, equally dependent on both; that is, if they be appointed by the one, they should be removable only by the other. This was the policy which dictated that memorable *improvement in our Constitution*, by which the Judges, who before the Revolution held their offices *during the pleasure of the king*, can now be *deprived* of them *only* by an address from both Houses of Parliament; as the most regular, solemn, and authentic way by which *the dissatisfaction of the People* can be expressed. Mr. Hallam in his Constitutional History, (vol. 1. p. 245,) remarks, "No Judge can be dismissed from office, except in consequence of a conviction for some offence, *or* the address of both Houses of Parliament, which is, *tantamount to an act of Legislature.*" And thus the matter rests at the present day. The same casting vote which suffices to pass a law may dismiss the Judge whose interpretation of it is not acceptable. This is not the case in any part of the United States. The Judges of the National Courts cannot be reached by address at all. They may defy the president and both Houses of Congress. In the States where this English provision has been copied, it has been rendered comparatively harmless by requiring the concurrence of *two-thirds* of each branch of the Legislature in order to effect a removal.

Let us suppose, for the sake of illustration, a question to arise on the Emancipation Bill, as it is called of last Session. The most strenuous supporters of that Bill, admitted it to be a violation of what they designated as the Constitution of 1688. In Mr. Peel's speech, less than a year before, he declared "If the Constitution was to be considered to be the King, Lords, and Commons, it would be *subverting that Constitution to* admit Roman Catholics to the privileges they sought; it would be an important change in the State of the *Constitution as established at the Revolution.*" (Speech in May, 1828.) Lord Tenterden, the Chief Justice of the Court of King's Bench, in resisting in the House of Lords, the Bill subsequently introduced by Mr. Peel himself, declared that "he looked upon the proposed measure as leading by a broad and direct road to the overthrow of the Protestant Church." (Times, 6 April, 1829.) Suppose the Serjeant at Arms should thrust back Mr. O'Connell on his attempting to enter the House of Commons, or any other cause arise bringing up the Act. Were Lord Tenterden, as a Judge, to use any language of an unsatisfactory kind, he might be hurled from his seat by that very Legislature, which was induced to pass the Law. In the United States, the people have denied themselves this power. Mr. Chief Justice Marshall might move intrepidly on, where Lord Chief Justice Tenterden must yield or be sacrificed. Congress *fairly* and *equally* represents the whole country, yet it has not the power of a British Parliament

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to bring to bear on Judges what Paley calls "the displeasure of the people."

It is a subject of curious reflection that until the Constitution of 1688, or rather until the 13th year of William III., Judges were, as Paley remarks, the creatures of the Crown. The actual power of judicial appointment at present resides in Mr. Peel, the Home Secretary. He has said that the Constitution of 1688, would be subverted by measures which he has since urged through Parliament; if so, the king has an unlimited power of making and unmaking Judges. Put that Constitution out of view, and Lord Tenterden may be dismissed in the same way as his predecessor Lord Coke was, in the time of James I.

Captain Hall has sad misgivings, he tells us, as to what will be our fate, if the Supreme Court should at any time falter in its duty, and consent to execute an unconstitutional law. Now there is, of course, no end to the hypothesis which an ingenious mind may frame as to the effect of derelictions of duty, by any department of a Government. The House of Commons may, as Paley remarks, "put to death the Constitution, by a refusal of the annual grants of money to the support of the necessary functions of Government." So may the Judiciary commit some suicidal act. We have given to our Judges every motive to a high and fearless execution of their trust. The oath to support the Constitution,—absolute immunity,—and on the other hand, the infamy of judicial cowardice. Human precaution can go no farther. But where are we if all these securities prove ineffectual? Just where other countries are, which do not intrust to the Judge, the power of canvassing a Legislative Act. What was the history of our Revolution? Whilst we were a part of the British empire, an attempt was made to tax us in defiance of a Common Law principle. As the Courts stood ready to enforce these odious measures we were driven to arms. Lord Chatham declared us to be in the right. Mr. Fox has subsequently placed on record his opinion, that our resistance preserved the integrity of the English Constitution, and Parliament itself has recognised the justice of our course by a definition of the true colonial principle. Our present position is this:—We have placed our Judges in a situation far more independent than the same functionaries enjoy in England. We are a patient, quiet people, and will submit to a great deal even of what we deem injustice, rather than put all these blessings in peril by violence. But, finally, we hold in reserve for intolerable grievances what Blackstone describes, even in England, as the last resort.

It is the more to be regretted that Captain Hall should have exhibited an absurd ignorance on this subject, as he has thereby diminished materially the chance of our profiting by his criticism, even when better founded. A foreigner is often struck by errors to which the people, amongst whom they exist, are ren-

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dered insensible, and his candid and temperate exposure of them may lead to a reformation, which might have been struggled for in vain, by those whose motives were more liable to suspicion. Thus he very justly denounces the practice, in a few of the States, of rendering the Judges periodically elective—thinking that they are thereby exposed to, at least, a suspicion of servility to the Government. He thinks that they ought to be placed on the same footing with the Judges of the United States, and of the larger States. But unfortunately he has thrown away all his influence as an auxiliary by seriously pretending to refer these misguided people, in the most triumphant manner, to the case of *England*, when they are too well aware that an evil of the same character exists in that country, in a form infinitely *more* odious and alarming, and on a scale altogether stupendous.

The allusion is, of course, to the High Court of Chancery. There is a sum at stake in the litigation of that Court—nay, actually locked up awaiting its decisions—equal to the value of the fee simple of the States in question, and all their moveables into the bargain—a sum more than sufficient to pay off the whole National Debt of the United States several times over. Its jurisdiction is of the most diffusive character, and it may be said to reach in some way, either directly or indirectly, the interests or the sympathies of every individual in the community. As no Court presents so many temptations to indirect practices, so there is no one in which they may be so readily veiled. A year's *delay*, to obtain which, might be an object of sufficient importance to warrant an enormous bribe, would scarcely excite even suspicion in a Court whose procrastinating temper is proverbial. There is no jury to participate in its labours, or to check an improper bias; nor do its proceedings possess that kind of popular interest which attracts to them the supervision even of the readers of the newspapers. What is the tenure by which this almost boundless power over the anxieties and the interests of the Community is held? The will of the Minister of the day. His breath can make or unmake the Lord Chancellor. A Premier would instantly resign if his declared wish for the removal of this officer should be disregarded. Such a refusal would be considered as depriving him of an authority essential to the discipline of the Cabinet, and to that concert and cordiality on which the success of its measures must so greatly depend. When it is recollected that within the brief space of nine months, there stood at the head of affairs in Great Britain, *four* different individuals in succession, (Lord Liverpool, Mr. Canning, Lord Goderich, the Duke of Wellington,) it will readily be conceded that the Chancellor can never consider himself as altogether safe, since he is liable to be sacrificed, not merely to any particular scheme of policy, which he is accused of thwarting, but even to those impulses of temper, on the one side or

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the other, through which Mr. Huskisson ceased to be a Minister. It seems to be universally agreed that Lord Lyndhurst must have gone out, as the Attorney-general did, had he not voted for the Relief Bill of Last Session.

If we look back to the history of this Court we shall see plainly what has been the practical consequence of this state of things. The mind involuntarily turns to Lord Bacon; the "greatest wisest" of mankind, he became Lord Chancellor only to furnish to the poet a sad antithesis to these epithets. There is no where to be found a more mortifying rebuke to the pride of human nature than is furnished in witnessing the influence of circumstances over a mind so wholly without a parallel in modern times, whether we refer to original power and compass, or to extent of acquirement. His appointment, as appears by his own letters, was brought about by Buckingham, the favourite of King James. The abject subjection in which he was held is thus stated by his biographer *Mallet*. "During the king's absence in Scotland, there happened an affair, otherwise of small importance, but as it lets us into the true genius of those times, and serves to show in what miserable subjection the Favourite held all those who were in public employments. He was on the point of ruining Sir Francis Bacon, the person he had just contributed to raise; not for any error or negligence in their master's service, but merely for an opinion given in a thing that only regarded his own family. Indeed such was his levity, such the insolence of his power, that the capricious removal of men from their places became the prime distinction of his thirteen years' favour, which, as Bishop Hacket observes, was like a sweeping flood that at every spring-tide takes from one land to cast what it has taken upon another." And again, "Nor even thus did he presently regain his credit with Buckingham; the family continued to load him with reproaches: and he remained long under *that agony of heart which an aspiring man must feel*, when his power and dignity are at the mercy of a king's minion, young and giddy with his elevation. They were, however, reconciled at last; and their friendship, *if obsequiousness in one, to all the humours of the other, deserves* the name of friendship, continued without interruption for some years; while Buckingham went on daily to place and displace the great Officers of the Crown, as wantonness of fancy, or anger, or interest led him; *to recommend or discountenance every private person, who had a suit depending in any court just as he was influenced;* to authorize and protect every illegal project that could serve most speedily to enrich himself or his kindred," &c.

At length his bribery and venality became so flagrant and notorious, that it was found necessary to put him aside.

What brought about the dismissal of Lord Clarendon from

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the same high office? We are told that the gravity of his deportment "struck a very unpleasing awe into a court filled with licentious persons of both sexes;" certain false suggestions were in consequence got up, which, "assisted by the *solicitations of the ladies of pleasure*, made such impressions upon the king, that he at last gave way and became willing, and even pleased to part both from his person and services." (Chalmer's Biographical Dictionary, art. Hyde.) *Pepys*, Secretary to the Admiralty, in the reign of Charles II. thus refers, in his *Diary* recently edited by Lord Braybrooke, to the same transaction. "This day, Mr. Pierce, the Surgeon, was with me; and tells me how this business of my Lord Chancellor's was certainly designed in my Lady Castlemaine's chamber; and that when he went from the king on Monday morning, she was in bed, (though about twelve o'clock,) and ran out in her smock into her aviary, looking into Whitehall Garden; and thither her woman brought her her night-gown; and stood blessing herself at the old man's going away."

Clarendon's integrity could not be overcome. Had he proved weak as Lord Bacon, he would have been drawn into the same wretched thraldom to the male or female favourite of the hour. Influence, wherever lodged, would have been an object of dread; and the power of alarming the anxieties of the Chancellor have proved the best perquisite of the king's mistress. A magistrate thus debased would quickly come to understand that he might give as much offence by an honest decree as by the gravity of his deportment, and even should an exposure ultimately take place, it would be impossible to trace the taint of corruption through the vast and complicated business of the Court, much less to redress the mischief which had been done.

Coming into the next century, we find Lord Chancellor *the Earl of Macclesfield*, disgraced for bribery and venality.

The circumstances which more recently led to the dismissal of *Lord Camden* are thus stated, by the Earl of Chatham, in his speech explanatory of the pension granted to that illustrious magistrate, *prior* to his appointment as Chancellor. (See Gentleman's Magazine for 1770, p. 104.) "I recommended him to be Chancellor, his public and private virtues were acknowledged by all; *they made his situation more precarious.* I could not reasonably expect from him that he should quit the Chief Justiceship of the Common Pleas which he held for life, and *put himself in the power* of those who were not to be trusted *to be dismissed from the Chancery perhaps the day after his appointment.* The public has not been deceived by his conduct. My suspicions have been justified. *His integrity has made him once more a poor and a private man;* he was dismissed for the vote he gave in favour of the right of election in the subject." In the same volume, page 141, will be

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found "The Humble Address, Remonstrance and Petition of the Electors of the City and Liberty of Westminster, assembled in Westminster Hall, the 28th March, 1770," in which they say, "By the same *secret and unhappy influence to which all our grievances have been originally owing*, the redress of those grievances has been now prevented; and the grievances themselves have been repeatedly confirmed with this additional circumstance of aggravation, that *while the invaders of our rights* remain the *Directors of your Majesty's Counsels*, the defenders of those rights have been dismissed from your Majesty's service, your Majesty having been advised by your Ministers, to remove from his employment for his vote in Parliament the highest officer of the law, because his principles suited ill with theirs, and *his pure* distribution of justice with *their corrupt* administration of it in the House of Commons."

The reader's attention will not fail to be arrested by the circumstance, that Lord Chatham deemed it necessary to fortify the Chancellor by a pension, on which he might honourably retire. The present incumbent is not thus sustained in the fearless discharge of his duty. To that extent, therefore, he is *more* anxiously dependent on the complacency of the Minister. He may be turned back to the bar without any provision whatever, and with all the disadvantages attending these *Restorations* to practice. His family may suddenly be deprived of the means of living in affluence and splendour. It does not seem to be in human nature that such considerations should be without their influence on the question of adopting a course acceptable or disagreeable to that stern Chief, in whose hands are all the issues of Wealth and Poverty.

Whilst, therefore, the great Law officer of England sits at the Council board, and at the Banquet with the sword suspended over his head by a single hair—whilst in the middle of a cause he may learn that his judicial functions are at an end—Captain Hall with a generous waiver of all selfish considerations thinks only of the poor souls on the other side of the Atlantic.

"Wo, wo for Indiana, not a whit for me!"

His sympathies are on a Mission to the Ohio, to awaken people *there* to a sense of their perilous condition, whilst his own brethren are left unheeded behind. He dreads lest in the Legislature of some one of the states composed of men, "who have come straight from the plough, or from behind the counter, from chopping down trees, or from the bar," corruption may be found. He has no fear of the abuse of power by an individual.

But however ignorant Captain Hall may be of the Institu-

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tions of England, he spurns the idea of not having made himself completely master of those of the United States. He declares that there is "less complication in their political systems than in those of almost any other country. One or two very obvious principles appear, by their own showing to regulate the whole matter; and these, after a time, are easily understood." The reader may wonder how he happens to be betrayed into this eulogium. It is only to enable him to vent a sarcasm. "With the Americans, on the contrary, there is always a solemn sort of enigmatical assumption of the intricacy and transcendant grandeur of their whole system not to be comprehended by weak European minds." But no matter; for the sake of the compliment we let the sneer pass, and proceed to examine how far he has manifested this familiar knowledge, when, abandoning mere invective, he has descended to particulars.

We may premise that in our opinion, the whole scheme *is* so readily intelligible that it is very difficult to fall into a mistake. Thus Paley in his Moral and Political Philosophy, has given, in a few words, a sufficiently distinct view of the functions of the general Government. Speaking of the inconvenience of a Democracy in a country of great extent, he remarks: "Much of the difficulty seems to be done away by the contrivance of a Federal Republic, which distributing the country into districts of commodious extent, and *leaving to each district its internal legislation*, reserves to a convention of the States the adjustment of their relative claims; the levying, direction and government of the common force of the confederacy; the making of peace and war; the entering into treaties; the regulation of foreign commerce; the equalization of duties upon imports, &c."

Such then is the simple theory. Amongst those matters of "internal legislation," which have no reference to the appropriate functions of a general Government, as thus sketched, is that of the rule which shall govern the distribution of property, real and personal, in cases of intestacy. A power to meddle with such a subject would be quite aside from any duty the Federal Head has to perform, and it has been accordingly reserved to the several States. What then, will the reader think of Captain Hall's success in mastering the "one or two very obvious principles which regulate the whole matter," when, in speaking of Mr. Jefferson's elevation to the Presidency in the year 1801, he indulges in the following strain, (vol. 2. p. 317.) "Mr. Jefferson succeeded, and, as he was himself devoted to the cause of Democracy, it made great strides under the hearty encouragement of his eight years' administration. *The Law of Primogeniture was abolished*, and various other acts passed, *all tending the same way.*"

May we not ask if it be not almost too severe a trial of our

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patience, to be obliged to notice such trash? The Law of Primogeniture! The reader must be aware that Congress and the President, had no more control over such a subject, than had Captain Hall himself. It was entirely out of their sphere of action. And yet we have a strain of invective running through these volumes at an alleged series of acts, tending to pervert the original character of the Government, and evidencing a wish to see every thing prostrated before that "popular deluge which threatens to obliterate *so much*, that, *in former days*, was considered *great* and *good* in their country." How must every Briton blush to find an Officer of his Country circulating a statement not only unfounded, but quite preposterous—for the reason already given, that had Mr. Jefferson's temper been ever so levelling, both he and Congress, were utterly powerless to effect any such change?

The present may perhaps be, as fit a place as any other to notice the remarks which are profusely scattered through these volumes on this subject of the distribution of property in cases of intestacy.

We have thought that the greatest sum of happiness is most likely to be attained, not by the accumulation of unwieldy wealth in the hands of a few, but by the diffusion, so far as possible, of the comforts and enjoyments of life, as far so that object can be attained under the operation of a steady system of laws, and with the complete security of property. The rule of primogeniture seems to be at variance with his theory. It is true, the disproportioned fortunes to which it leads, might not always prove either pernicious or useless; and instances may be pointed out, in our own country, of the graceful and advantageous employment of that superfluity which circumstances had placed at the disposal of enlightened and public spirited individuals. But it has pleased us, on the whole, to think that the absence of a few munificent patrons of the Fine Arts, is sufficiently compensated by a state of things which, whilst it is calculated to cherish sentiments appropriate to our Institutions, places within the reach of every one the means of education, and of an honourable and independent subsistence. Captain Hall professes a feeling of reverence for the memory of Dr. Franklin, "dear old Franklin," as he is affectionately styled. We might have hoped that an admirer so earnest, and doubtless so sincere, would not have over-looked an opinion which that philosopher and patriot has repeatedly inculcated on us, and which he thus declares in a letter to Granville Sharp in the year 1786.

"I am perfectly of your opinion, with respect to the salutary law of *Gavelkind*, and hope it may in time be established throughout America. *In six of the Sates already*, the lands of intestates are divided equally among the children, if all

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girls; but there is a *double share to be given to the eldest son;* for which I see no more reason than in giving such share to the eldest daughter; and think there should be no such distinction."

And again in his remarks to emigrants, in July, 1784, he says: "It is rather a general, happy, mediocrity that prevails. There are few great proprietors of the soil, and few tenants; most people cultivate their own lands, or follow some handicraft or merchandise; very few rich enough to live idly upon their rents or incomes, or to pay the high prices given in Europe for paintings, statues, and the other works of art."

Now it unfortunately happens, that Captain Hall, though he is found, at one place, quoting with seeming enthusiasm, "Sweet Auburn," yet appears to have looked round with disgust, because he discovered none of those appearances which the poet regards as symptoms of a decaying land.

> "But *verging to decline* its splendours rise,
> Its vistas strike, its palaces surprise,
> *While scourged by Famine from the smiling land,*
> The mournful peasant leads his humble band."
>
> ——————"the man of wealth and pride
> Takes up a space that many poor supplied;
> Space for his lake, his parks extended bounds,
> Space for his houses, equipage, and hounds."

It is for these things that Captain Hall is heard to sigh, and he turns with contempt from the substantial blessings which he saw every where around him.

"The land," he says, "on the left bank of the Hudson, for a considerable distance above New York, were formerly held by great proprietors, and chiefly by the Livingstone family; but the abolition of entails, and the repeal of the law of primogeniture, has already broken it down into small portions. Our host, at the time of our visit, possessed only the third of the property held by his immediate predecessor, while the Manor of Livingstone, an extensive and fertile district farther up the river, formerly owned by one person, is now divided into forty or fifty parcels, belonging to as many different proprietors; so that where half a dozen landlords once lived, as many hundreds may now be counted. And as these new possessors clear away and cultivate the soil at a great rate, the population goes on swelling rapidly, though we were told not by any means so fast as it does in the wild regions of the west. This comparative tardiness may possibly be caused by some lingerings of the old aristocratical feeling; though it is mixed up curiously enough with the *modern ideas* of the equal division of property, the universality of electoral suffrage, equality of popular rights and privileges, and all the *other transatlantic devices* for the improvement of society.

"By law, indeed, any man in America may leave his pro-

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perty to whom he pleases, or he may even entail it, exactly as in England, upon persons living at the time; yet the general sentiment of the public is so decidedly against such unequal distributions, that in practice such a thing very rarely, if ever, takes place. Consequently there is no check to this *deteriorating process*, which is rapidly reducing that portion of the country to the same level in respect to property, with those recently settled districts where entails and the right of promogeniture never did exist, and are hardly known even by name; or if spoken of at all, it is with the utmost contempt and horror." Elsewhere again he adverts to the *evils* which have arisen since the law of primogeniture, and the practice of entails were swept away by the tide of *modern improvement*, as it is called. From these and other causes the accumulation of large properties has been entirely prevented, even in that State where *the value of these unequal divisions of property* is certainly better known than any where else in the country (Virginia.) Unfortunately this conviction is confined to the minority," (vol. 3. p. 80.) And again we have a lamentation over that more equal division of property, which has been caused by what Captain Hall is pleased to call "the blighting tempest of Democracy."

At the hazard of appearing very presumptuous, we must venture to dissent from his opinion, that the abolition of primogeniture is a modern American improvement. The truth is, that the establishment of that practice in England is a badge of subjection to the Norman Conqueror, as will be found on looking into the matter a little more closely. De Lolme in his work on the English Constitution, speaks of "fragments of the ancient Saxon laws, *escaped from the disaster of the Conquest*, such as that called Gavelkind in Kent, by which lands are *divided equally* between the sons." Blackstone in his Commentaries (vol. 2. p. 84,) says, "A pregnant proof that these liberties of socage tenure were fragments of Saxon Liberty. The nature of the tenure of Gavelkind affords us a still stronger argument. It is universally known what struggles the Kentish men made to preserve their ancient liberties, and with how much success these struggles were attended. And as it is principally here that we meet with the custom of Gavelkind, (though it was, and is to be found in some other parts of the kingdom,) we may fairly conclude that this was a part of those liberties; agreeably to Mr. Seldon's opinion, that Gavelkind before the Norman Conquest was the general custom of the realm," Seldon's words are, "Cantianis solum integra et *inviolata* remansit." Blackstone further remarks, p. 214. "The Greeks, the Romans, the Britons, the Saxons, and even originally the feudists divided the lands equally; some among all the children at large, some among the males only."

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For military purposes primogeniture was introduced, "And in this condition the feudal Constitution was established in England, by William the Conqueror." (Ib.)

One of the oldest and most esteemed writers on the Laws of England, Lambarde, in a work called "A Perambulation of Kent, containing the Description, Hystorie and Customs of that Shyre, written in the year 1570," after describing the division into Shires, by Alfred the Great, remarks, "In this plight, therefore, both this Shyre of Kent, and all the residue of the Shyres of this Realme were found, when William the Duke of Normandie invaded this Realme; at whose hands the Commonality of Kent obtained with great honour, the continuation of their ancient usages, notwithstanding that the whole Realme besides suffered alteration and change." He adds, "I gather from Cornelius Tacitus and others, that the ancient Germans, (whose offspring we be,) suffered their lands to descende not to the eldest Sonne alone, but to the whole number of their male children, and I find in the 57th chapter of Canutus' lawe, (a King of the Realme before the Conquest,) that after the death of the father, his heirs should divide both his goods and his lands amongst them." Referring more particularly to Kent, he says, "Neither be they heere so much bounden to the Gentrie by Copyhold, or customarie tenures as the inhabitants of the Western counties of the Realme be, nor at all endangered by the feeble holde of tenant-right, (which is but a discent of a tenancie at will,) as the common people in the Northern parts be; for copyhold tenure is rare in Kent, and tenant-right not heard of at all: but in place of these the custom of Gavelkind prevailing every where, in manner, *every man is a Freeholder*, and hath some part of his own to live upon. And in this their estate they please themselves and joy exceedingly, insomuch as a man may finde sundry Yeomen, (although otherwise for wealth comparable with many of the gentle sort) that will not yet for all that change their condition, nor desire to be apparailed with the title of Gentrie. Neither is this any cause of disdain, or of alienation of the good minds of the one sort from the other, for no where else in all the realme is the common people more willingly governed. To be short, they be most commonly civil, just and bountiful, so that the *estate of the Old Franklins and Yeoman of England*, either yet liveth in Kent, or else it is quite dead, and departed out of the realme for altogether."

Thus matters stood in the reign of Queen Elizabeth. In the introduction to Mr. Hasted's magnificent work, The History of Kent, in four quarto volumes, the publication of which, was begun in 1778, and ended in 1799, we find the following remarks. "From the freedom of its tenures and customs the lands throughout the county are *shared by almost every house*

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keeper in it; by which means the great are restrained from possessing such a vast extent of dominions as might prompt them to exercise tyranny over their inferiors; and every one's possessions being intermixed, there arises an unavoidable chain of interests between them, which entitles both one and the other to mutual obligations and civilities. In this county there are very few, if any, such scenes of misery and wretchedness to be seen amongst the poor, as there are in many parts of England. Instead of which, a comfortable subsistence and cheerful content is found in most of the meanest cottages."

On the subject of *Entails*, we must refer our tourist to the second volume of Blackstone, p. 116.

"Thus much for the nature of Estate Tail, the establishment of which *family law* (as it is properly styled by Pigott,) occasioned infinite difficulties and disputes. Children grew disobedient when they knew they could not be set aside; farmers were ousted of their leases made by tenants in tail; for if such leases had been valid, then, under colour of long leases, the issue might have been virtually disinherited: creditors were defrauded of their debts, for if a tenant in tail could have charged his estate with this payment, he might also have defeated his issue by mortgaging it for as much as it was worth," &c. "So that they were *justly branded* as the source of new contentions, and mischiefs unknown to the Common Law; and almost universally considered as the *common grievance of the realm.* But as the nobility were always fond of this statute, because it preserved their family estates from forfeiture, there was little hope of procuring a repeal by the legislature; and, therefore, by the contrivance of an active and politic prince, a method was devised to evade it."

As the Captain's rambling habits have probably kept him in ignorance of what is going on in his own country, we would invite his attention to the first and second Reports of the Select Committee of the House of Commons "on the subject of *Scotch* Entails," published in 1828. If these very admirable productions should be too voluminous for his perusal, he may be obliged to us for the following extract, from a review of them and other publications, on the same subject, in the Scot's Law Chronicle, for May 1829, page xi. "Since the Act 1685, intituled, 'An Act concerning tailzies,' was passed there never was a measure of greater importance to the people of Scotland brought under the consideration of Parliament, and from the titles of the publications prefixed to this article, it will be observed, the subject has occupied much attention, and been very generally considered in Scotland. To Mr. Kennedy and the Select Committee of the House of Commons, the people of Scotland owe a debt of gratitude. The two Reports contain such *a body of evidence,* that it cannot be shaken by *igno-*

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rance, prejudice, or the ill-digested views or apprehensions unfounded, as we have no doubt, of interested individuals.

"The evils of entails being now completely proved, it is impossible to doubt that the legislature must provide a speedy remedy, both for the interest of heirs of entail, and the public at large. In the bill originally introduced into Parliament, by Mr. Kennedy, it was proposed to allow the nobility of England and Scotland to continue to entail to a certain extent. This, if we recollect right, Mr. Kennedy stated in his place, was meant as a matter of expediency, in order to promote the success of the bill in the House of Peers. It had occurred to almost every person who had considered the evils arising from entails, that the only obstacle which might prevent Parliament from remedying them, would be found in the prejudices of the nobility, the only class supposed to be hostile to any change of the law of entail, as the preservation of their families was imagined to depend on entails. Mr. Sandford, in his evidence, says he heard it stated that 'an opinion was entertained by a high authority, that if the *majorat* was allowed, a bill for the modification of entails would be permitted.'

"If the power of thus entailing had been allowed to the English, Irish, and Scotch nobility, it is too obvious to admit of doubt, that the whole unentailed land in Scotland might soon have been purchased up by them, and placed under the fetters of strict entail, by which *Scotland, like Ireland, would have been cursed with all the evils of absentee proprietors.* The evidence on this point has been thoroughly *sifted by the Select Committee*, and is so *overwhelming*, that it is impossible to persevere longer in the clause allowing the nobility the exclusive power of entailing to a greater extent than other landed proprietors. Several noblemen were examined by the Committee, and they, to their honour and credit, disclaim any wish to obtain for the nobility such an invidious distinction. *The evils of entails have, in fact, been fully as much felt by the nobility as any other class of entailed proprietors.* We are glad, therefore, to observe, from the resolutions of the Select Committee, *the clause in favour of the nobility is completely abandoned.*

"By the evidence in the two Reports of the Select Committee of the House of Commons it is *conclusively proved*,

"1. That the Act of 10th Geo. III., c. 51, giving power to burden estates to the extent of four years' rent for improvements on entailed estates, has been productive of little or no benefit.

"2. That Lord Aberdeen's Act, 5th Geo. IV., c. 87, by which heirs of entail may grant provisions to younger children, and burden the estate to an amount not exceeding three years' rent, and an annuity to their wives, to an extent not exceeding *one-third* part of the rents, may lead to the embarrassment of heirs of entail.

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"3. That the combined effect of these Acts is to burden the entailed estate to the extent of nine years' rent, or one-third of the fee-simple value of the entire estate, by which the heir may be deprived of two-thirds of the rents, in order to liquidate the charges so authorized to be imposed, subject to the burden of collecting the rents, and managing the whole estate.

"4. That entailed proprietors are also liable to contribute to the expense of turnpike roads, canals, building and repairing churches, and other public improvements.

"5. That the evils of entails are the exclusion of so much land from commerce, the defrauding of shopkeepers and others who give credit to heirs of entail in possession, for which the former cannot obtain heritable security, nor attach the estate, and that heirs of entail, not having the power of sale, or burdening the estate for borrowed money, *cannot obtain the means either to make improvements, or pay debts and family provisions.*"

These considerations will, it is hoped, have due weight with the people of America before they yield to Captain Hall's suggestion, and abandon a system which has grown up under the sanction of the founders of the Republic.

Thus much for our tourist's familiarity with the functions of the Executive Department of the Government. His criticism on the Legislature is principally drawn from a Debate, part of which he witnessed, in the Senate of the United States, relative to a proposition to abolish Imprisonment for Debt. This subject must, every where, supply abundant materials for controversy; but in order to understand some of its peculiar bearings, on this occasion, a brief explanation may be necessary:—From the scheme of government which has already been adverted to, it may be supposed that the judicial power of the Federal Head bears a close analogy to its political functions. The primary purpose was to create a tribunal to which the government might itself resort, without exposure to the jealousies of the Local Courts. Whilst, however, this object was duly attended to, the framers of the Constitution enlarged their view to a provision for other cases, in which it was apprehended that a narrowness of feeling might interfere with the pure and unsuspected administration of justice. Hence is found a clause giving to the National Courts jurisdiction over cases affecting ambassadors, &c., and, without going into needless detail, it may be stated, that to *every ālien* was secured the privilege of suing, and of being sued, in these Courts. It is not *obligatory* on him to do this. He may sue there, or in the State Courts, and if sued in a State Court, he may either remove the case into the National Court, or waive his privilege. The option is with him; his antagonist has no such option.

It is to be understood that the National Courts do not administer a different law from that of the States in which they are

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held. They are bound by that law. The object in view is to secure an impartial administration of it, through judges who do not derive their appointment from the State, and who are presumed to be comparatively free from local sympathy or prejudice. A recurrence to the theory under which, as the judge is aware, this duty devolves on him, must have a tendency to render him peculiarly solicitous that the provision should not, in his person, be unavailing to secure the strictest impartiality. As this is a peculiar and very amiable feature in our jurisprudence, it is not regretted that a fair opportunity has been afforded of adverting to it. But although the laws of the several States furnish "rules of decision" for the National Courts, a distinction may, and frequently does, exist as to the means of enforcing a judgment when obtained. The Act of Congress of 1789, by which the National Courts are established, declares that their *process* shall be the same as that *then* used in the respective State Courts. After this adoption, however, it was not liable to fluctuate with any change which might subsequently take place in any of the States. It could be modified only by an act of congress. Thus wherever the right of taking the debtor's body existed in 1789, the right remained to the creditors, suing in the National Courts, although intermediately the local legislatures had taken away this power altogether from their own Courts, or had fettered the exercise of it.

It will be readily understood how important this distinction has, in many cases, proved to a foreign creditor, placing him as it does, beyond the reach of any of those expedients to which a State Legislature may be driven, at moments of great pressure, in order to relieve the embarrassed debtor.

On the proposition then, to abolish Imprisonment for Debt, it is obvious that many of the arguments, on both sides, would have a reference to this peculiar state of things. Congress could not regulate the process of State Courts, so that in many of them the power over the body would remain. Thus then, after foreigners had been allured into the National Court by the avowed policy of the Constitution—after having shrunk from the State Courts on a suspicion inspired by that instrument—they would find themselves disarmed of a power, which, in controversies between citizen and citizen, was seen in many cases to be the only effectual method of extracting the latent resources of a debtor. That such considerations ought to be decisive is not pretended; that they would find their way into the discussion must be obvious. Now, it is in reference to this debate, that Captain Hall has formed his opinion as to the tedious, wire-drawn character of our legislative proceedings. "On *many a subsequent day*, when I visited the Senate, I found this old thread-bare, six years subject, still under discussion, without its even appearing to advance *one inch*." And after a great deal

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of sneering, he drops by mere chance, the following remark. "*The object* of the measure, if *I understood it properly, was to limit* the operation of the principle to cases falling under the jurisdiction of the United States Courts, was not *meant* to apply to those of the particular States." Now we put it to the reader, whether it is possible that such language could fall from one who had listened attentively to the debate, or who was at all acquainted with our simple theory of government? He is in doubt whether Congress "*meant*" to abolish Imprisonment for Debt, so far as depended on the process of the State Courts. Could he have been aware of its total want of power to do so? The doubtful manner in which he speaks of the "object" of the bill, shows that he could not have comprehended the bearings of the subject. Thus, then, has the Senate of the United States been condemned! Our impatient Captain just pops in for a minute or two—seats himself with "an air of intelligent and critical importance," like his countryman, Andrew Fairservice, at the Minster, in Glasgow—subjects every thing to a rapid analysis—is wearied—hastens somewhere else—and when he returns and finds the same "thread-bare" subject under consideration, expresses himself very much like a servant at one of our colleges who, stepping in and out during a demonstration in Euclid, wondered that such large boys were still at their A B's and C D's.

Passing from the general Government, Captain Hall proceeds to subject the several States to his rebuke, and he selects Pennsylvania, "because it is eminently democratic, and has been called, par excellence, the keystone of the Republican arch."

In this unhappy commonwealth he was particularly shocked at a discovery in reference to judicial proceedings; which he announces in the following terms:—

"The law renders it imperative on the Judge to charge the Jury, on *any* points of law which either party may require. Sometimes each party will insist upon the Judge charging the Jury upon twenty or thirty points. Then *exceptions* to the charge follow, and thus an endless source of delay and fresh litigation is *opened up*."

He might have learned, by consulting any English lawyer, or looking into Blackstone, that the right of excepting to the opinion of a Court on points fairly arising out of the case, exists in England, just as it does in Pennsylvania. Such a right is, indeed, manifestly indispensable to enable a party to take the opinion of a higher tribunal. To say that counsel have a right to demand the opinion of the Court on "any" point, is plainly absurd, as a defendant, anxious for delay, might require the whole of Blackstone's Commentaries to be gone through. The limit is the obvious one of questions pertinent to the issue, and it is not only the right, but the duty of the judge, to refuse to notice whatever is irrelevant—the ground of such refusal, being, howe-

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ver, open to review. The multiplication of *material* points must always depend on the learning and ingenuity of the counsel.

The only difference in this respect, in the two countries, is the following: By the law of Pennsylvania, a party may either resort to a bill of exceptions, on particular points, or he may require that the opinion of the Court shall be reduced to writing, and filed of record. Where it is apprehended that the judge may, on more mature reflection, be inclined to doubt the accuracy of what has fallen from him, and to soften or disguise its force, this power in the hands of counsel is a very useful one.

It happens, indeed, singularly enough, that the very first proceedings which we witnessed at Westminster Hall, placed in a very strong point of view the advantage of enabling counsel thus to guard the interests of their clients. It was a motion for a new trial, in a case which had been tried before the Chief Justice of the Court of Common Pleas, relative to two barges, of no great value. There is a report of what took place in the *Times* of 22nd November, 1828. The Court had intimated an opinion that the rule should be made absolute, or, as the reporter more correctly represents the scene, *endeavoured to persuade* the learned Serjeant to forbear from opposing the rule." What subsequently occurred is thus taken, verbatim, from the Times, and we can vouch for the accuracy of the report.

"*Mr. Serjeant Wilde* repeated his wish to go on with the case now, but added, that if their Lordships had read the evidence of the witnesses, and had *already come to a conclusion* upon the case, which they thought could not be altered by argument, he would of course abstain from entering into any, but at the same time he confessed, that he thought, *if the court would* listen to what he really *felt it his duty* to urge in *justice* to his client, they would be of opinion that the verdict was correct, and ought not to be disturbed.

Mr. Justice Park. After what you have now said, I, for one, desire that you will go on.

The other Judges. Go on.

The learned Serjeant then proceeded in his argument, in the course of which he was *frequently interrupted by the Court*, who appeared *dissatisfied by his apparent obstinacy*. Before he concluded, he stated, that the Lord Chief Justice had left the case to the Jury as a fraudulent preference.

The Lord Chief Justice. Brother Wilde, *be correct* in your statement. *You* have already said, *several times*, that it was left as a fraudulent preference; *I* have *as often* said, that I left it as a fraudulent transfer.

Mr. Serjeant Wilde. My Lord, *I must repeat* that it was left as a fraudulent preference.

The Lord Chief Justice. I have already stated to you what my recollection is upon the subject, and as that recollection is confirmed by the statement on the other side, *I say plainly*, when you assert that it was left as a fraudulent preference, *I don't believe it.*

Mr. Serjeant Wilde. That is undoubtedly a strong expression, my Lord; and as your Lordship has been pleased to state your recollection of what occurred so *decidedly*, I, of course, am *bound* to yield to it; but *I challenge any one* of the learned gentlemen to state, either from *note* or their own *memory*, that the case *was* left as a fraudulent transfer. Let them say that it was *so*, if they dare, and *take the disgrace* that would fall upon them for *the assertion.*

The other judges *here interfered to conciliate*, and expressed an opinion that

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the learned Serjeant was *acting* and *speaking* with greater warmth than became him.

Mr. Serjeant Wilde. My Lords, I should be very sorry to conduct myself with such warmth, as to be offensive to the court, but when I am told by my Lord Chief Justice, that *he does not believe me,* I confess it is an expression which I cannot submit to, and must repel.

The court *again* interposed, when the learned Serjeant said, he thought he had said *nothing* which could be *interpreted* into disrespect to the bench.

Their lordships, however, were of a contrary opinion, and said, that they certainly thought he made use of expressions which were exceedingly offensive to the bench, and which they did not doubt the learned Serjeant would have abstained from uttering in *a cooler moment.*

The Lord Chief Justice said, that he certainly thought the learned Serjeant had behaved *very disrespectfully* to him, for he said, that he (the Chief Justice) in his charge had *suppressed facts* which were favourable to his client, and that he had made strong comments in favour of the defendant. This, he repeated, he felt *personally offensive* to himself, as it conveyed *an imputation of a most serious nature* against a Judge. He wished that the learned Serjeant would address the same language to him, sitting on that bench, that would be used *between gentleman and gentleman* in a private room. *On the contrary,* he had this day addressed language to him which might, perhaps, be used *in the company which the learned Serjeant frequented,* but which, he begged to add, was unknown *in the society in which he* (the Chief Justice,) moved.

Mr. Serjeant Wilde denied that he had made use of the word "suppress," and repeated his conviction that he had said nothing disrespectful to the bench, or that might not have been *uttered in any society whatever.*

Mr. Justice Gaselee said, he was sorry to say that he really did think the conduct of the learned Serjeant had been disrespectful. He had challenged the learned gentlemen on the other side to contradict, &c. &c.

The Lord Chief Justice then said, if the learned Serjeant had not made use of the precise word "suppress," he had at least made use of others, by which the same inference would be drawn. His Lordship then requested the counsel for the defendants to say, whether the case had not been left as a fraudulent transfer.

Mr. Serjeant Cross said, that it certainly appeared so, by the note of the learned gentleman, who was with him in the cause.

Mr. Serjeant Wilde insisted, that although the *word* "transfer" *might* have been used, it was followed by others, by which the question of preference was fully put to the jury.

The Lord Chief Justice again asserted, that he had *not* left that question to the jury, and after some farther observations from the other judges, who *once more interfered to conciliate,* the matter was *dropped,* and the learned Serjeant then proceeded in his argument.

Mr. Serjeant Andrews followed on the same side.

Mr. Serjeant Cross was about to reply, but was prevented by

Mr. Justice Park, who said that the court thought it unnecessary to hear him, as it had already determined that the rule should be made absolute upon payment of costs.

Mr. Serjeant Cross begged, &c.

Mr. Justice Park said, &c.

Mr. Serjeant Cross, however, *repeated his entreaty,* to be allowed to address the court, and *after some farther contention* he was allowed to proceed. The learned Serjeant then went into a *long speech,* in which he complained, that Mr. Serjeant Wilde, at the trial, had made use of expressions *for the purposes of withdrawing the confidence of the jury from* the opinion of the Lord Chief Justice, &c."

Seeing the pugnacious Serjeant Wilde preparing again to start to his feet, we left the Court. It is obvious that the whole of this abominable waste of time, and disgraceful wrangling, would have been avoided if a written note of the charge had been filed *at the time,* for the inspection of the counsel. No

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one could then doubt whether the judge had left the case to the jury, as a fraudulent transfer, or a fraudulent preference.

It will have been seen that the judges considered the serjeant as "*acting*" and speaking with greater warmth than became him. The report contains no account of the "acting," but most certainly Mr. Wilde fully made out his claim to what the great master of oratory considered the sum of the art.

We could not for our lives perceive any of that magical influence which Captain Hall attributes to the cumbrous appendages worn by the English judges. At p. 34 of his first volume, he shakes his head in a very foreboding manner, after having visited one of the Courts in New York. "The absence of the wigs and gowns took away much more from their *dignity* than I had previously supposed possible. Perhaps I was the more struck with this omission, as it was *the first thing I saw which made me distrust*," &c. &c. Had he witnessed the foregoing scene in Westminster Hall, his faith might have been shaken. In the very torrent, tempest, and as I may say, whirlwind of their passion, these wigs begat no temperance to give it smoothness, but rather showed like the white caps of the agitated billows "curling their monstrous heads." One almost felt alarmed at the facility with which they might be converted into missiles (furor arma ministrat,) and recognised all the wisdom of the precaution adopted at some of the lower Irish taverns of chaining up the poker.

What would Captain Hall have written about such a scene had he witnessed it, in any part of the back-woods of America?

It is unnecessary to inform the English reader that "Brother Wilde" is a respectable member of the profession, and that his being twitted by the Lord Chief Justice about the low company he kept, was probably a mere form of sarcasm, having no well founded reference to his habits or associations.

Having adverted to the subject of wigs, we cannot forbear directing Captain Hall's attention to the following heretical passage in the Edinburgh Law Chronicle, for November 1829.

"It is said, that soon after Mr. Jeffrey's elevation to the deanship, a friend went up to him and wished him *joy*, "I am much obliged to you," was the reply, "and I hope it *will* come, but at present (applying his hand to his wig to ease his head a little,) I am very miserable." We desire to be thankful for *two* things, first, that the Dean of the Advocates of the College of Justice was so miserable, as he was under all the bar-wigs that have yet been tried on him; and secondly, that his Honour retained courage and fortitude enough to express his misery, and *to doff them all.* We have no *tonsura clericalis* now to hide; why then act as if we had?"

This in Edinburgh under the eyes of Captain Hall!

He informs us, further, in reference to the judicial establishment of this State; "I was greatly surprised to hear that in Pennsylvania alone there are upwards of one hundred judges who preside on the bench." He adds: "It is a curious feature

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in the American Judicial System that in many of the States—Pennsylvania amongst others—the bench is composed of one judge, who is a lawyer, and of two others, who are not lawyers, called *associate* judges. These men are selected from the county in which they reside and hold their court. They are generally farmers—not, however, like the English gentleman-farmer, for such characters do not exist, and *cannot* exist, in any part of the United States—they are men who follow the plough. They *seldom*, as I am informed, *say a word on the bench.* This singular custom has been adopted, because the people thought it necessary there should be two persons taken from among themselves to control the *President*, or Law Judge."

A word in the first place as to these *associates*, who are by Captain Hall properly distinguished from him who *presides*, or as he is correctly denominated the *President*. Their proper office is not, as he supposes, to control the President, but to aid in the administration of justice. It must have occurred to every one who has witnessed the proceedings of Courts to lament the constant want, on the part of the bench, of that knowledge of the ordinary business and affairs of life, which is so rarely found amongst those who have devoted themselves to the studies appropriate to the legal profession. Hence there seems to be no great harm, at least, in having on the bench by the side of the "Law Judge," two individuals of respectability, whose pursuits in life, render them familiar with the transactions involved in the great mass of the business which comes before the court. Practically, it secures, as it were, *two jurymen* of known character, and whose responsibility does not disappear with the trial. On all questions of fact, and particularly in the exercise of the Court's discretion in granting new trials, the utility of such advisers must be apparent. That they were not intended to loosen the rules of law is clear, from one simple circumstance. Should they interfere actively, instead of communicating their advice to the presiding judge, the opinion which they pronounce can be reviewed by a writ of error to the Supreme Court, composed exclusively of lawyers. Nor can they evade responsibility. When, in the absence of the President, the associates tried a petty case, and told the jury that it was impossible for them to pass on the questions of law which had been raised, *this* was held to be error. If they interfere judicially, it must be in such a way, that the party complaining, may have their mistakes in point of law corrected. That they "seldom say a word on the bench," is a proof that in practice they have the good sense not to go beyond their appropriate functions in the system.

But our object is not so much to defend the system as to notice a mistake, in point of fact, on the part of Captain Hall.

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It will have been seen that he readily seized the distinction between the presiding and associate judges, and he couples the communication of that fact, with the assertion that in Pennsylvania there are "upwards of a hundred judges who preside on the bench." That which Captain Hall urges, in the way of disparagement, only in long primer, assumes a more malignant type in the Quarterly Review, and there shoots upon the eye, in *italics*, (No. for November 1829.) Now the simple fact is, that the State is divided into sixteen judicial districts, and to each of these is assigned a president judge. From their decisions a writ of error lies to the Supreme Court, the number of whose judges has recently been increased from *three* to to *five*. In the city of Philadelphia there is an auxiliary court of civil jurisdiction, having three judges, and in Lancaster, a similar court having one. Thus the whole strength of the judicial corps is twenty-two. The remaining seventy-eight derive their appointment entirely from Captain Hall.

Let it be remembered that these functionaries administer justice over an extent of country about equal to England and Wales together, and that many of the duties devolved on them, are such as in the latter countries are distributed amongst a vast number of officers not usually classed with judges. They go through, not merely the kind of business which falls to the lot of the twelve judges of England, and the eight of Wales, the Lord Chancellor, the Vice Chancellor, the Master of the Rolls, &c., but perform the labours which in England are assigned to the Consistory Courts, the Courts of Quarter Sessions, the Commissioners before whom applications are heard for the relief of Insolvent Debtors, &c.

Captain Hall complains, farther, that in this State, they "have done away with nearly all the *technicalities* of the law—there are no stamps(!)—no special pleadings—and scarcely any one is so poor that he *cannot* go to law." We must inform our headlong critic, in the first place, that stamps are no part of the "technicalities" of the law. They are matters connected with the Revenue, and it has not yet been found necessary to resort to such a tax in Pennsylvania. As to doing away with special pleading, it is true, that in cases of contract, a party is permitted to file a *statement* of his cause of action, with certain requisites of distinctness prescribed by law, instead of a technical declaration; and the defendant may, in that case, answer it by a counter statement. It is not compulsory to do this, and, where the agency of a lawyer intervenes, it is not usual.

The truth of the charge against Pennsylvania, that "scarcely any one is so poor that he cannot go to law," is admitted; and we even doubt whether there can be found that favoured and happy class to which the slight qualification seems to refer. But nothing can be more ridiculous or unfounded than such

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assertions (and he gives us nothing more) as "The life of persons in *easy circumstances*(!) is thus rendered *miserable*." "No person, be his situation or conduct in life what it may, is free from the never-ending pest of law suits," &c. While we concede that there is nothing to render it impossible for the humblest individual to pursue a claim in a court of justice—nothing to drive him into an unfair compromise—yet this evil has always appeared to us sufficiently compensated, not only by the speedy redress of actual injustice, but by the effect which this very facility of access to the Courts has in removing the temptation offered by a different state of things to the rapacity of the employer. Captain Hall thinks it a blessing that the poor should have no redress against knavery and fraud; for such is the amount of his argument, when properly run out. What *Substitute* does he propose for the Courts to that numerous class, to which he would render the latter inaccessible? A reformation in Pennsylvania must be effected in one of two ways: either by requiring a Freehold qualification, or the possession of a certain sum of money to enter the Courts—or by rendering the costs so onerous that one of the parties must yield from exhaustion, at an early stage of the proceedings. Captain Hall seems to point to the latter expedient. His suggestions, we think, are not likely to be acted on. The present costs are sufficiently heavy to punish a vexatious litigant, and they can always be thrown upon him by a tender of what is honestly due. Labourers from abroad are, it is true, occasionally touched with the ambition of being in law, for once in their lives—just to know how it feels—but the expense is soon found to be more than the momentary bustle and excitement, and talk of the neighbours, are worth, and they discover, besides, that they get a bad name amongst those to whom they must look for employment. We confess, though not *outrageously* radical, the utmost surprise and disgust at language which would represent our social condition as deplorable, because a member of the "money spending class"—not always the most just, or the most generous—cannot yet say to one of a different class, "you must either come into the terms I propose, or be ruined by attempting to take the opinion of that tribunal which the country professes to have established to pass impartially between us.

On the subject of *Taxation* in this State, we have a singular proof of the Captain's candour. He remarks, "In speaking of the expenses of the United States, people are apt to consider those only which belong to the general Government. I have taken pains," &c. After this note of preparation we are given to understand, that the annual disbursement of Pennsylvania, amounts to nearly *two millions and a half of dollars*, and a calculation is made how much must, in consequence, be paid *per head*. When it is known, that this State has neither

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Army nor Navy, and that the Custom House Officers are paid by the General Government, it will doubtless puzzle the reader to conjecture what can run away with so much money. The secret is, that it was employed in *making a Canal*, from the eastern to the western part of the State, during the year which Captain Hall has selected! Yet we have not the slightest hint to that effect, and the Englishman is led to suppose, that, in the event of emigrating to this State, he must expect to pay, *every year*, his portion of a sum so enormous. It would, obviously, be just as fair to say that the sums similarly employed by the Duke of Bridgewater ought to be considered as items of expense incidental to his ordinary establishment; and the capitalist who builds a range of houses to rent, would be pronounced by Captain Hall a ruined spendthrift. We can scarcely give the tourist credit for ignorance on this occasion, inasmuch as the truth is disclosed in the very document which he quotes. He has specified the amount of the items of civil expenses, and of the legislature, making together *one-twelfth part* of the aggregate sum. Why silent as to the employment of the residue? We know not unless it be for the reason that a fair disclosure would show that this expenditure, which the reader of course deems a yearly-recurring one, was in fact of a temporary nature, and that even the money actually disbursed, is represented by a magnificent and *productive* public work. The Governor, in his message of November 4th, says, "There are now 177 miles of the Canal in actual operation. The works have been found to be of such solidity as to produce no other delay than is incident to the best executed works of like magnitude. It is confidently hoped that early next summer, there will be not less than 400 miles of the Pennsylvania Canal in full operation. To this extent of navigation is to be added, that of the Schuylkill and Lehigh Canals, and of the Chesapeake and Delaware Canal."

Captain Hall traversed the State in the direction of this Canal, and was at points where the work was vigorously proceeding; and it is a fact, that toll was received from it, prior to the publication of his book. He had said, after speaking of the New York Canal, "It would be *invidious* and *perhaps rather tiresome* to describe the numerous abortive schemes for Canals, and Rail roads, which the success of this great work has set on foot, particularly as opportunities of touching upon them will occur as we go on." Of such an opportunity he does not choose to avail himself in the case of the Pennsylvania Canal, even when exhibiting the *prodigal* disbursements of the State. Had he carried his Statistics a little farther onward, he would have found a yet larger expenditure of money by Pennsylvania, on this great work. He has dwelt at much length on the Welland Canal of Canada, not yet completed.

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That work, when finished, will owe its existence not to the efforts and resources of the Provinces, but to an incorporated company, the shares of which are, it is believed, owned principally in Great Britain, particularly by the Canada Land Company, one of those joint stock concerns which sprung up in London in 1825. At all events, it is a project the merit of which cannot go beyond the share-holders. With regard to the Pennsylvania Canal, the disbursement of the State, of which every citizen bears a part, *during a single year* (Report of the Treasurer of the Canal Board, to the Senate, Hazard's Pennsylvania Register, vol. iii. p. 272,) is *four times greater* than the whole amount of the Stock subscribed of the Welland Canal. ("Three Years in Canada, by John M'Taggart, Civil Engineer," vol. ii. p. 144.) As to the Rideau Canal, the completion of which Captain Hall urges so strongly on the British Government, Mr. M'Taggert (vol. i. p. 156,) thinks its actual cost will treble that originally contemplated; yet assuming his estimate to be correct, it will appear that the single year's expenditure of Pennsylvania above referred to, exceeds that estimate by *one million of dollars*. We must bear in mind that Pennsylvania derives no aid from the general Government, which draws so large a portion of its revenue from her great seaport. Canada, on the contrary, is not to render any assistance towards the Rideau Canal, though its Custom House duties are placed at the disposal of the Provincial Government, (Captain Hall, vol. i. p. 419,) and our tourist justly remarks, "were they to become members of the American Confederacy, all such duties would be subjected to the control of the Congress at Washington." These observations are made in no invidious temper, but they seem to heighten the unfairness of, not only refusing to give Pennsylvania credit for her energy, but, by concealing the objects of expenditure, actually turning into matter of reproach the truly liberal and enlightened policy by which her councils have been distinguished. It is needless to say that the remark made with regard to Pennsylvania, is equally applicable to New York, whose *principal* canal cost (Captain Hall, vol. i. p. 173,) more than *fourteen times* the amount of the Stock of the Welland Canal. The Customs of the seaport of that State, also, flow to the general government, and lent no assistance to the enterprise.

Our tourist discovered that in each of the twenty-four States of the Union there is a separate judicial establishment, not amenable to any common head, but passing finally on every point of law which may arise before it. He infers that such a circumstance must greatly confuse the administration of justice, and render commercial intercourse very unsafe. As this is a subject best illustrated to the general reader by referring to what is familiar to him, it may be well to take for that purpose the case of

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England and Scotland, which lie amicably side by side, like New York and Pennsylvania, although the former are of comparatively diminutive size. Will it be pretended that there is any thing like the conformity between the systems of law which prevail in these two parts of Great Britain, as there is between those of the States we have named? Certainly not by any one who has the slightest knowledge of the subject. We are relieved from the necessity of furnishing the various references we had prepared, by meeting with the following remarks, in the introductory article to "The Scots Law Chronicle, or Journal of Jurisprudence and Legislation, conducted by Professional Gentlemen"—a periodical work commenced at Edinburgh during the last year, and displaying great ability.

"In the reign of James the First of England, and Sixth of Scotland, the ministry, and particularly Lord Bacon, then Solicitor General of England, made some efforts in Parliament, and otherwise, to assimilate the laws and practice of England and Scotland; but the prejudices which existed on both sides of the Tweed prevented any material progress being at that period effected. Since that time, notwithstanding the union of the Crowns of both kingdoms, and the legislature of each, the laws of England and Scotland have been kept separate, and administered in different forms. The English system is distinguished by the preference given to the common law in opposition to the civil law. *The Scots system has been taken from the civil law and the laws and customs of the Continental nations, particularly France, between which and Scotland an alliance and intimate intercourse existed many centuries.* For example, the Act of the Scots Parliament of King James the Sixth (afterwards James the First of England,) 1593, c. 180, is in the following terms—(We give only the concluding words of the Statute, "According to the lovable form of judgment used in all gude towns of France and Flanders, quhair burses are erected, and constituted and speciallie in Paris, Roan, Bordeaux, Rochelle.") "Foreign laws and authorities were then, and still are, permitted to be quoted in the Scots courts, without any other limitation than the discretion of the advocate. *English lawyers are, in general, profoundly ignorant of the Scots laws, customs, and practice, and strongly prejudiced against them.* Of this a remarkable instance occurred on the occasion of Wakefield's trial for the abduction of Miss Turner, in which a Scots barrister was examined as to the Scots law of marriage. Mr. Brougham, and an army of English barristers, animated by the *amor patriæ of John Bull*, thought they had caught the Caledonian in their own coils, from which he could not escape without exposing the ignorance of the Scots bar generally, and proving that the boasted system of the academical education of his nation, as to the civil law, was mere

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sham and farce. In another instance, on the appointment of a Scots barrister to be a judge at the Cape of Good Hope, Mr. Brougham, in his place of Parliament, arraigned the Government for overlooking the English bar. In his opinion it was "absurd" to send judges from the Scottish bar to the Colonies." The writers add, "it not unfrequently happens that what is held to be sound law and *equity* in Scotland, is held the *reverse* in England. Mr. Sugden, lately, in an appeal case, before the Peers, in which he was counsel, delivered a tirade against the whole law of Scotland. This celebrated ebullition has raised his fame, &c. (ib.)

One important circumstance is not referred to by this writer, viz., that by the 18th Article of the Union, it is declared that *the laws relating to private rights* are not to be altered, but for the "*evident utility* of the people of Scotland," a provision, the jealous caution of which may have contributed to throw insuperable obstacles in the way of a legislative effort at assimilation, even if it could, under any circumstances, be deemed practicable to break up, and remodel, a system which has been so long accomodating itself to the exigencies, as well as to the habits and prejudices, of the people. What are the consequences of this state of things? Does the English trader deem it necessary to purchase a Library of Scots Law Books, before he opens an account at Edinburgh or Glasgow? He thinks no more of this, than of learning French and studying the Code Napoleon, before he sends an order to France for silks or brandy. Nay, he is compelled to remain in the same ignorance of the law of his own country, for it has long been held a point of ridicule to attempt to master it, and the reports in every morning's newspaper, furnish him with new grounds of marvel at its uncertainty. He is fain to rely on the presumption that there will be found, in every civilized country, certain general principles of justice and good faith, by which his rights will be protected, should he unfortunately be involved in litigation.

But Captain Hall will ask, have I not heard of "Scotch Appeal Cases," and are not the questions which they involve finally settled in the House of Lords? Certainly they are, but these cases settle only points of Scots Law. They bring it into no greater conformity with that of England. In the same manner, on the 1st of December last, there came before the Privy Council the case of Simpson *v.* Forrester, an appeal from the Island of Demarara, (See Morning Herald of December 2d.) It was curious, in the middle of the proceedings, to see *The Paymaster of the Forces* come in and take his seat at the Board. The controversy turned on the principles of the Dutch Civil Law, and was argued accordingly; but we feel persuaded that the pains-taking and laborious fathers of that system would have been very little edified by the discussion. Without going to

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India, or Canada, or the Cape of Good Hope, we may note that the outskirts of the Mother Island itself are governed by systems of law essentially different from each other. Thus "the Isle of Man is a distinct territory from England, and is not governed by our laws;" (Blackstone.) "The islands of Jersey, Guernsey, Sark, Alderney, and their appendages, were parcel of the Duchy of Normandy, and were united to the crown of England by the first Princes of the Norman line. They are governed by their own laws, which are for the most part *the ducal customs of Normandy*, being collected in an ancient book of very great authority, entitled *Le Grand Costumier*. The King's writ or process from the Courts of Westminster, is there of no force."—(ib.)

Thus, then, we have the comfort to know that the various parts of this great commercial empire—nay, portions of the same island,—are under the dominion of laws radically dissimilar in their principles, their forms of proceeding, and even in their language; and yet, none of those "moral convulsions" have resulted with which Captain Hall so seriously threatens the unhappy people of the United States.

But it happens to be our singular good fortune to enjoy a degree of similarity in the laws throughout the United States, unprecedented elsewhere. The Common Law prevails, with a trifling exception, over the whole of the Union. There is scarcely a *patois* in its dialect. The lawyer of Pennsylvania can advise as to a case depending in New York, so far as it turns on common law principles. The books resorted to are precisely the same. And so of the other States, from Maine to Georgia. The text book throughout is Blackstone, and each mind is incumbent over the same principles.

One striking advantage of this state of things is, that the labours of every lawyer, and every judge, render a mutual aid. A happy illustration—a fortunate reference—or a striking analogy, is not a mere local benefit. Every member of the profession knows instantly where to common-place it. In Great Britain, on the contrary, England and Scotland offer no such co-operation. They are engaged on different systems. The workings of the Scotch mind are unknown to English jurisprudence. Mr. Jeffrey once asked with a sneer, "Who reads an American Book?" We may ask, in return, "Who reads a Scotch case?" The force—the acuteness—the learning of the North offer no contribution to the general stock. This is undoubtedly a great evil. When we recollect what Scotland has done for the Philosophy of the Human Mind, and for Medicine, it is painful to reflect how completely her great intellectual powers have been lost to us in Law, and that the very terms which the Judge employs, are an almost incomprehensible jargon.

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"Barbarus hic sum quia non intelligor ulli."

It is said, with an air of great alarm, that Reports are published of decisions in the different State Courts, and that this multiplicity of books must lead to confusion. Let it be recollected, however, that the decision made in each State, whether right or wrong, furnishes a conclusive rule in that State. It is not the less uniform and unvarying in its application, because a different rule may obtain in England, or in any of the sister States. There is no confusion or faltering in the actual administration of justice. Why, then, should harm result from the publication of decisions? If they had remained, be it observed, in manuscript or in the memory, nobody would be perplexed, and they would interest no one beyond the limits of the particular State. The *benefit* to be derived from their publication is manifest. If a lawyer in Pennsylvania be anxious to learn how the law stands on a particular point in New York, he assumes, that Chitty or Sugden, will furnish a clue, but it is all the better if he can, instead of writing to New York for information, refer to an Index of decisions, and ascertain, in a moment, whether the question has actually engaged the attention of the Judges of that State. It will not be denied that the practitioner as well as the citizen of the State, in which the decisions form a binding rule, is greatly interested in having them placed within his reach through the press. But the complaint is, that elsewhere, each volume published forms a distressing addition to the Law Catalogues.

According to this, it would lead to great confusion in England, if the Scots Reports were intelligible to the English barrister; and it would be much better for us, if the systems of law, in the several States, were so decrepant that no one of them could borrow illustration from the other. Suppose our neighbour Mexico, were to adopt the Common Law—ought we to regret the circumstance! Captain Hall says, *yes*—because here would be a twenty-fifth "co-ordinate" tribunal on the same continent, deciding points of law, and, by and by, volumes of reports will come out to annoy and perplex us. It might, with quite as much force, be urged, that the multiplicity of reports published in the United States, is calculated to confuse the English Courts. These books profess to illustrate the Common Law, and, if possessed of merit, there is no reason why they should not be sought for, and read, wherever that law prevails. They are no more binding on the Courts of the other States, than on the King's Bench. Their weight, out of the particular State, is derived not from the official character of the person who has pronounced the decision, but from the degree of talent, which is supposed to have been brought to its composition. An Essay by Mr. Kent, or Mr. Spencer, will carry greater influence than a judicial opinion of the Court over

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which they recently presided. In short, supposing what is not the fact, that each State had its reporter, the result would be nothing more, than if twenty-four gentlemen of professional respectability were employed in publishing so many editions of Blackstone, or any other elementary writer, with comments. Whoever will take the trouble to glance over these reports, or even to look over a digest of them will be surprised to find how little discrepancy there is amongst the different tribunals. They reach the same conclusion with a greater or less display of learning and ingenuity. This fact will be very apparent on looking over a standard English work, republished "with American notes." The result, then, will not be as Captain Hall supposes, a "moral convulsion," but that it will not be thought necessary for the lawyer to run his eye eagerly over the Index of every volume that appears in law-binding. The truth is, every one must know the utter impossibility of mastering even what is of established authority in the law. Who can pretend to have read Viner's Abridgment, and verified all the references? "If," says Lord Erskine, "a man were to begin to read his Law Library through, he would be superannuated before he came to the end." Even in Selden's day, "The main thing is to know where to search." (Table Talk.) Amongst this vast collection of books some principle of selection must, of course, be adopted, and the best, undoubtedly, is that of resorting to the great master spirits of the system. The late Mr. Pinkney, who stood at the head of the American bar, never tired of Coke Littleton. In this science, as in every other, students are driven to adopt Pliny's rule of reading not "multa," but "multum." It cannot be a grievance to the American lawyer that some of these standard works are the production of his own country.

We should note that, in the United States, the interpretation of the Constitution, of Treaties, and of Acts of Congress, rests exclusively with the Supreme Court of the Union. A case involving a question of this kind, and decided adversely to the claim set up under either of them, may be carried to that tribunal even though it originate in a State Court.

In exposing the mistakes, into which our tourist is sure to fall whenever his criticism assumes a definite shape, we have given the only answer which *can* well be furnished to the greater part of his book. As to general invective against popular influence, it is precisely the language which every despot would hold with regard to this country. If Don Miguel were to publish an account of his visit to England, he might borrow most of these pages, and the only possible answer would be to ask him, as we do Captain Hall, to point out the *evils* which have resulted from it. He seems to think, that he has made out his case very triumphantly against the people, by asking

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what we would think of their deciding upon "the best kind of escapement in the machinery of a Chronometer," or "how a stranded ship should be got off a reef of rocks." This argument, too, will apply just as well to England as to America, unless, by a peculiar plan of reform, he can contrive to disfranchise all except the rotten boroughs. The voters who actually return members to Parliament he will scarcely describe as men of profound learning and sagacity. Here, then, pro tanto, is a vicious part of the system. But, farther, even supposing the questions presented to a voter, to be as abstruse as the points to which Captain Hall refers, we must beg him to remember that the latter may come, even in England, before the very persons whom he so much derides. Suppose an action, on a contract for a supply of the best description of Chronometers, or a contest between the master of a ship, and his owners, or freighters, as to the exercise of due diligence and skill, the decision must, in either case, unavoidably, devolve on the very men, as jurors, whom Captain Hall holds in such sovereign contempt. They listen to testimony, as the voter does to political reasoning, but the ultimate responsibility is thrown on their judgment. Such is the peril of an illustration!

It should be mentioned, by the way, that Captain Hall, by assuming what he deems a graceful air of candour, seems to have prepared, in anticipation, an apology for the blunders into which his rashness might lead him. Thus, at Philadelphia, a gentleman took him to task, about an opinion on the subject of language, which he had advanced in his book on Loo Choo. "Before he proceeded far in his argument, he made it quite clear, that I had known little or nothing of the matter; and when at length, he asked, *why such statements had been put forth*, there was no answer to be made, but that of Dr. Johnson to the lady, who discovered a wrong definition in his Dictionary, "sheer ignorance, madam!" Now, we very much question his right to take refuge under the mantle of Dr. Johnson, and we are quite sure that the Doctor would have indignantly repelled him. The best of human works, after the most anxious preparation, are liable to error; but this is scarcely a sufficient vindication of him who travels out of his proper sphere, and hazards reckless assertions about matters which he has not even attempted to master. He may mislead the ignorant, while he cannot render the slightest aid to those who are competent to form an opinion. Captain Hall thinks it very absurd to suppose that an American citizen is qualified to exercise, understandingly, the right of suffrage; and yet he undertakes, during his ride over the country, to denounce all its institutions and its whole course of policy.

We proceed to notice some of his remarks of a different description.

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He has descanted, largely, on the practice of giving to our towns the names of the celebrated places or persons of antiquity; and this part of his book affords, perhaps, a pretty fair specimen of the powers of reasoning and reflection which he displays on topics, not demanding any constitutional or legal knowledge. When he first heard these towns familiarly spoken of, by "stage drivers, and stage passengers," he tells us, that "an involuntary smile found its way to the lips, followed often by a good hearty laugh." He, afterwards, underwent several changes of opinion on the subject to which we shall advert, after first offering a few words of explanation.

That a town containing a large number of houses and inhabitants, is entitled to a name of some kind or other, will scarcely be denied. Having, then, exhausted the old stock of family appellatives, whither are we to turn? The shifts to which England has resorted are truly embarrassing to a stranger. Thus, if he have an acquaintance at "Newcastle," he may not hope that a letter, thus directed, will reach its destination by mail, unless he know whether the proper addition be "*under Line*," or "*upon Tyne*." Then there is "Henley *upon Thames*," and "Henley *in Arden*," &c. &c. In London, too, the same scanty nomenclature is a source of like inconvenience. The American Consul's Office is in Bishopsgate Street; aye, but "Bishopsgate Street *within*," or "Bishopsgate Street *without?*" The word *New* is in perpetual requisition, "*New* Bond Street," "*New* Burlington Street," &c., whilst half-a-dozen of the same name are distinguishable only as *attachés* to different Squares, and are very much offended, if the title be not given in full. Every stranger remembers, "I have ordered supper to-night in Eastcheap," but if he go in pursuit of the Boar's Head with no other clue, he is quite embarrassed to find, that in the march of improvement, there is "*Great* Eastcheap," and "*Little* Eastcheap," and in his vexation, he is tempted to wish that these people had known, where, as Falstaff says, "a commodity of good names were to be bought."

To obviate this liability to confusion is, of course, the first object, and though there be not *much* in a name, yet, in making a selection, it is quite natural that some reference to a feeling of propriety should mingle in the debate. Captain Hall would have been startled at coming to a place called *Algiers*, just as he would have looked round with surprise, at hearing an American saluted as Benedict Arnold. In domestic life we are fond of conferring on our children names which may place before their eyes, as models, such of our relatives as were most estimable for conduct and character, so as not only to furnish a generous incentive to virtue, but a perpetual rebuke of unworthiness. We venture to assert, that this important matter was duly attended to, in reference to Captain Hall's amiable little fellow-traveller,

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aged fourteen months. In acting on this analogy, it happens, that as we are the oldest *living* republic, we are necessarily driven back to ancient times. Now, it is singularly unfortunate for us, that all the Captain's prejudices run in an exactly opposite direction from ours. Thus he ridicules the State Legislatures, because he finds in them, Farmers, "not, however, like the English *Gentleman* farmer, for such characters do not exist, and *cannot* exist in *any* part of the United States; they are men who follow the plough." Of course, had he been one of those who waited on Cincinnatus, in old times, to offer him the dictatorship, and found him engaged in the same derogatory employment, Captain Hall would have turned off with huge disdain—have pronounced the Roman to be "no gentleman," and declared that he was not at all the sort of person for their purpose. When, therefore, he found a great town called after such a personage, his smile, we suspect, was at figuring to himself the odd idea of a General holding the plough lines. But let us hear first his reasoning in our favour, and then the grounds of his condemnation. He represents himself to have become ashamed of the mirthful spirit which he at first manifested, "All these *uncourteous* and irrepressible feelings of ridicule, (i. e. a loud, impudent laugh in the face of his fellow-passengers, at words incidentally occurring in their conversation,) "were I hoped quite eradicated." He began to think that the Americans, "although they had broken the cords of national union, were still disposed to bind themselves *to us*, by the ties of classical sentiment at least." He thus proceeds: "By the same train of friendly reasoning, I was led to imagine it possible, that the adoption of such names as Auburn—'loveliest village of the plain'—Port Byron, and the *innumerable* Londons, Dublins, Edinburghs, and so on, were indicative of a latent or lingering kindliness towards the old country. The notion, that it was degrading to the venerable Roman names, to fix them upon these mushroom towns in the wilderness, I combated, I flattered myself somewhat adroitly, on the principle, that, so far from the memory of Ithaca or Syracuse, or any such place, being degraded by the appropriation, the honour rather lay with the ancients, who, it is the fashion to take for granted, enjoyed a less amount of freedom and intelligence than their modern namesakes. 'Let us,' I said one day, to a friend, who was impugning these doctrines, 'take Syracuse for example, which in the year 1820, consisted of one house, one mill, and one tavern; now, in 1827, it holds fifteen hundred inhabitants, has two large churches, innumerable wealthy shops, filled with goods brought there by water-carriage from every corner of the Globe; two large and splendid hotels; many dozens of grocery stores or whiskey shops; several busy printing presses, from one of which issues a weekly newspaper; a daily post from the east, the south, and the west; has a broad canal run-

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ning through its bosom; in short, it is a great and free city. Where is this to be matched,' I exclaimed, 'in Ancient Italy or Greece?'"

"It grieves me much, however, to have the ungracious task forced upon me, of entirely demolishing my own plausible handiwork. But truth renders it necessary to declare, that on a longer acquaintance with all these matters, I discovered that I was all in the wrong, and that there was not a word of sense in what I had uttered with so much studied candour. What is the most provoking proof, that this fine doctrine of profitable associations was practically absurd, is the fact, that even I myself, though comparatively so little acquainted with the classical sounding places in question, have, alas! seen and heard enough of them, to have nearly all my classical recollections swept away by the contact. Now, therefore, whenever I meet with the name of a Roman city, or an author, or a general, instead of having my thoughts carried back, as heretofore, to the regions of antiquity, I am transported forthwith, in imagination, to the post-road on my way to Lake Erie, and my joints and bones turn sore at the bare recollection of joltings, and other nameless vulgar annoyances by day and by night, which I much fear, will outlive all the *little* classical knowledge of my *juvenile* days."

When we remember that the *early emigrants* to Rome were thieves and cut-throats—that its corner stone was stained by the blood of the founder's brother—that wives were procured from the Sabines by a process of courtship, for which, in modern times, the wooers would be all hanged or transported—and that the very site of the infant town was chosen from some absurd superstition about a flight of birds—the presumption of adopting even that proud name, may not, perhaps, be deemed altogether unpardonable. These towns have grown up with a rapidity greater than that of Rome. They were founded by men, who brought with them virtuous wives and daughters, and whose earliest object, in the case referred to by the tourist, was to build "two large churches" for the purpose of worshipping God according to the dictates of that religion for which Captain Hall professes a very sincere zeal. He might well ask, then, whether the origin of any heathen town of antiquity presents a spectacle half so interesting to the philanthropist or the Christian.

But the reason which he assigns for his ultimate decision is the most singular part of the whole matter. After having confuted his anonymous friend in the argument, as he generally contrives to do on all these occasions, he seems anxious to show that he can "confute, change sides, and *still* confute." He decides that the Americans are all wrong, because *he*, a passing traveller, instead of bearing away with him a thousand circumstances which might kindle admiration and enthusiasm, perversely chooses to remember nothing, except that he met, somewhere in the neigh-

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bourhood, a piece of bad road! This is the whole of his argument. Is it, to use his favourite epithet, a very "philosophical" one? Gibbon, in a letter from London, in 1793, speaking of the highway a few hours' ride from the metropolis, says, "I was almost killed between Sheffield Place and East Grinsted, by hard, frozen, long and cross ruts, that would disgrace the approach of an Indian wigwam." Yet he did not take a disgust either to London, or to the residence of his friend, Lord Sheffield. Even Captain Hall professes to revert with infinite pleasure to the scenes he witnessed in Canada, notwithstanding all the horrors of his ox-cart. "Over these horrible wooden causeways, technically called corduroy roads, it would be misery to travel in any description of carriage, but in a wagon or cart, with nothing but wooden springs, it is most trying to every joint in one's body. A bear-skin, it is true, is generally laid on the seat, but this slips down or slips up, in short, somehow or other, the poor voyager's bones pay for all, notwithstanding the tender mercies of the bear. The *recollection* of such annoyances, however, *were they twenty times greater*, would *vanish* beneath the renewed touch of agreeable society. On reaching York," &c.

We are occasionally led, indeed, to suspect, not a little, the integrity of the Captain, in his assumption of a sort of bluff, downright, temper, which *compels* him to make offensive remarks. "I *must* say this," "Truth *obliges* me," &c. Thus on quitting the Capital of Upper Canada, the party found, "close, choky woods; the horrible corduroy roads again made their appearance in a more formidable shape, by the addition of deep, inky holes, which almost swallowed up the fore-wheels of the wagon, and bathed its hinder axle tree. The jogging and plunging to which we were now exposed, and the occasional bang when the vehicle reached the bottom of one of these abysses, were *so new and remarkable* in the history of our travels, that we tried to make *a good joke* of them, and felt rather *amused* than otherwise on discovering, by actual experiment, what ground might on a pinch, as it is called, be travelled over!"

When so much good humour is manifested in Canada—when he is found offering the most nauseous flattery to the people there, to their faces, about the "tone" of their "manners," and the blessings of their condition,—we are led to suspect that the peevishness in the United States, as to chambermaids, &c., is merely used as a convenient pretext for venting ill-natured remarks. We have heard of one,

> Who, having been praised for bluntness, doth affect
> A saucy roughness, and constrains the garb
> Quite from his nature. He cannot flatter—he!
> An honest mind and plain—he must speak truth
> An they will take it—so—if not—he's plain.
> These kind of knaves I know, which, in this plainness,
> Harbour more *craft*, and more *corrupter ends*,

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Than twenty silly, ducking observants,
That stretch their duties nicely.

The part of Captain Hall's book which wears, perhaps, the *most* disingenuous air, is that relating to *Slavery*. There is no topic, as is well known, which has furnished so many sarcasms against the United States, as the existence of a practice so utterly at war with that universal freedom, which their popular institutions are supposed to guaranty. Under the pressure of these reproaches Americans have taken the trouble to trace with great care the history of the rise and progress of this evil, and have established, by the clearest evidence, that it was planted there against the earnest remonstrances of the colonists—that it was fixed on us at a period when we formed a component part of the British empire, and that the earliest efforts of the States, so soon as they became independent, were directed to mitigate, and in some of them actually to extirpate it. The infamous traffic was first opened, and pursued, by Sir John Hawkins. So late as the year 1713, England engaged to supply Spain with 4800 negroes annually, and it was only by the treaty of Madrid, concluded on the 5th October, 1750, that she yielded "the right to the *enjoyment* of the Assiento of negroes, and of the annual ship," during the four unexpired years. We would seem, therefore, sufficiently secured against any sarcasm from that quarter. That Captain Hall was aware of all this, and had found our defence one which it was easier to evade than to answer, may be inferred from the following remark with which he prefaces the discussion.

"The Americans are perpetually twitting England with having entailed slavery upon their country. *The charge indeed may be true*, and there is *no denying* that it was every way disgraceful in *the British Ministry of former times* to *thwart* the *wishes* of the colonists, if, indeed, they sincerely desired to avoid the incipient evil which has fallen so heavily upon their descendants." He assumes a philosophical air as the best reply. "This scornful bandying of national recriminations, however, is, to say the least of it, very unphilosophical—in fact, worse than useless, as it tends to irritate two countries who have no cause of quarrel." Speaking of the anxious efforts every where made to render the condition of this class of beings more tolerable, he says, "It is useless, then, for foreigners to hold the language of reproach or of appeal to America, thereby implying a belief in the existence of such legislative power. It is mischievous to suppose that such interference can be of use, because this vain belief turns men's thoughts from those genuine meliorations, which are possible, into channels where philanthropy as well as patriotism either run completely to waste or tend," &c.

That a sudden emancipation is impossible, he concedes. It

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cannot be expected that men, "who like their fathers before them, have derived their whole substance from this source, and who look to it as a provision for their descendants," can be expected at once to surrender their property. Were the British West Indies to become independent, and to adopt a form of Government, having especial reference to popular rights, they could only say, as we do, that it was an evil belonging to other days, from all the effects of which it is impossible now to escape.

Yet, with this air of candour, Captain Hall takes care that his book shall not want the piquancy so acceptable to the palate of those who cherish the "unkind feelings," which he attributes to this country. No work on America has furnished to malignity, so many delightful, choice paragraphs as these very Travels. He well knows that, in the temper which he describes, there are many who take up every such book, with a view to score deeply, for extract, just so much as will serve to gratify the vitiated appetites for which they daily cater. We have, therefore, a great deal about "inconsistency with the principles *so much cried up* in that *republic.*" He gives a long account of the sale of a Slave at Washington, and throws in with dramatic effect, "The flags were just hoisted on the top of the building, which intimate that the Senate, and the House of Representatives had assembled, to discuss the affairs of *this free nation*—Slavery amongst the rest." He tells us, that during the sale he exclaimed, "with more asperity than good breeding, *thank God! we don't do such things in my country.*" If ashamed of this out break of vulgarity, why put it into his book to minister to the self-complacency of the one side, and the mortification of the other? Captain Hall declines to argue the question, whether the parent country did not fasten on us this evil in spite of our remonstrances; he deprecates an allusion to her supplying Spain with negroes, under the accursed Assiento contract. Surely, then, it is worse than pharasaical, for Great Britain, to stand afar off and thank God, that she is not like America, in this particular. May we not be reminded of the triumph of a mother, who, having administered poison to her infant child, blesses herself, in after life, that *she* is not racked by the lingering pains it has left behind, and who mocks at the occasional convulsive twitch of her offspring's muscles?

He works up, very happily, what he saw at New Orleans. It may be readily conceived that one of the arguments urged in extenuation of Slavery, is the impossibility, in some of the States, of employing any other description of labour. Thus Louisiana, as Captain Hall remarks, "must be worked by Slaves, or not at all." Hence it was not unnatural to take advantage of any opportunity of transferring them to a climate more congenial to the constitution of the negro, and where this argument might have its full alleviating force. Many gentlemen of Virginia

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and Maryland, have purchased plantations in Louisiana and Mississippi, and taken their Slaves thither. Captain Hall witnessed such a transfer, in a brig at New Orleans from Baltimore, and it gives rise to the following remark:—"Her decks presented a scene which forcibly reminded me of Rio Janeiro. In the one case, however, the Slaves were brought from the savage regions of *Africa:* in the other, from *the very heart of a free country.*"

It is curious to look over the English newspapers, and notice with what avidity such passages have been seized on by those who, like the leech, eagerly fasten where the skilful operator has allured by the slightest puncture. Yet this is the philosopher who deprecates "twitting" on such a subject, as it "tends to irritate two countries who have no cause of quarrel!"

In the same sneering temper, Captain Hall has remarked, "It is laid down by the Americans, as an admitted maxim, to doubt the solidity of which, never enters into any man's head for an instant, that *a rapid increase of population is, to all intents, tantamount to an increase of national greatness and power, as well as of individual happiness and prosperity.* Consequently, say they, such increase ought to be forwarded by *every* possible means, as the *greatest* blessing to the country." (Vol. i. p. 153.) Captain Hall never heard an American utter such a sentiment, and he is desired to point to any effort thus to *force* population. If such were the prevalent theory, why not offer our public lands gratuitously to the foreigner, or even add a bounty of sixty pounds sterling to every family agreeing to accept a hundred acres, as has been done in Canada? We have again to regret that Captain Hall, instead of offering a mawkish eulogium on Dr. Franklin (the "Socrates of modern times") had not taken the trouble to read the works of that sage and patriot. In the *Remarks to Emigrants*, written in the year 1784, will be found the following expressions:—"Strangers are welcome, because there is room enough for them all, and, therefore, the old inhabitants are not jealous of them; the laws protect them sufficiently, so that they have no need of the patronage of great men; and every one will enjoy securely the profits of his industry. But if he does not bring a fortune with him, he must work and be industrious to live."

The same feeling exists at the present day. We do not consider, as Captain Hall pretends, an increase of population to be the "greatest blessing." We hold the diffusion of sound morals, of attachment to our institutions, and of education, to be the paramount objects of solicitude. We believe that those who come amongst us, and find themselves in the midst of a tranquil, industrious, and happy people, where the laws secure to every man the fruits of his industry, and where the opportunity of exercising that industry is readily found, may be expected to fall

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into those habits which will render them quiet, useful citizens, and to become attached to the institutions which anxiously consult their safety and happiness. If the stranger be wealthy, he may select his plan of life, without danger of molestation; if needy, the implements of labour are speedily placed in his hands. Captain Hall visited, on the banks of the Delaware, one of the brothers of Napoleon, the Ex-King of Spain, and remarks, "I trust I am taking no unwarrantable liberty, by mentioning that he has gained the confidence and esteem, not only of all his neighbours, but of every one in America, who has the honour of his acquaintance—a distinction which he owes partly to the discretion with which he has uniformly avoided all interference with the exciting topics that distract the country of his adoption, and partly to the suavity of his personal address, and the generous hospitality of his princely establishment." Another member of the same family, but not in the same affluent circumstances, is endeavouring to make himself useful in Florida, and was recently a candidate for a seat in the council of that territory. If he possess any portion of the talent of his great relative, he may be destined to aid in the formation of its code of laws, when it shall have a sufficient population to become a member of the Union. We have no apprehension of strangers. The stream is too broad, and deep, and strong, to be discoloured or rendered turbid. The idle and the profligate quickly find that America is not their proper home. The mere schemer is soon rebuked by the good sense and steadiness of the people, and abandons them in despair. Captain Hall's deistical or theistical countryman, Mr. Owen, he may take back and welcome. We do not think it the "greatest blessing" to have amongst us men like him, who, failing in every thing else, at length make a desperate snatch at our souls. These blasphemous visionaries are forthwith exposed, and laughed at.

As a singular proof of Captain Hall's wish to misrepresent, or of absurd misconception, we may refer to his account of our impatience at being obliged to use the English language. "It is curious enough," he says, "by the way, to see the *discomfort* that some *scrupulous Americans* show to the mere name of our common tongue."

That any such silly expression of "discomfort" reached his ears, is rather improbable; but we can readily believe that he may have heard from Americans, a speculative suggestion on the subject which he has strangely perverted, and which we will attempt to explain.

It has, undoubtedly, been sometimes thought a matter of regret that there is no language which has grown up, as it were, with the country, and which bears, as we might then hope it would, a peculiar, felicitous, reference to its condition, physical and moral. Without going beyond objects of the former cha-

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racter, it must be remembered that we brought with us a language adapted to a state of things essentially different from that which America presents. Take for example the word "Lake." Drawing our ideas from England, and from English poetry, we attach to it the notion of an appendage to pleasure-grounds. We think of Goldsmith's line—

"Space for his Lake, his park's extended bounds."

and it is not until an American finds himself on one of our vast internal seas, which bear the same name, that he feels the abject poverty of the epithet. He has read and thought of American nature through the medium of a translation. The word is so far from suggesting the object, that he has to disengage himself from its influence, before its conception can adequately expand. He has measured by square inches, what must be measured by square miles. So of the word "Falls," which is equally applied to those of Niagara—to those of the Clyde—and to those of Montmorency, which Captain Hall declares, with some asperity, to be "truly contemptible." He saw one of the *crevasses* or breaches in the bank of the Mississippi. "There was something peculiarly striking in this casual stream—a mere drop from the Great Mississippi, which in many other countries might almost have claimed the name of a river." Yet we have no word to distinguish this *river* from the Cam or the Isis.

When Sir William Jones went to India, he did not think of looking for the Poetry of that region amongst the English residents at Calcutta or Bombay. His remarks, perhaps, will illustrate what is meant:

"If we allow *the natural objects* with which the Arabs are perpetually *conversant* to be sublime and beautiful, our next step must be to confess, that their comparisons, metaphors, and allegories are so likewise, for an allegory is a string of metaphors, a metaphor is a short simile, and the finest similes are drawn from natural objects." (Essay on the Poetry of the Eastern Nations.) "These comparisons, many of which, would seem forced in *our idioms*, have undoubtedly a great delicacy in theirs." (Ib.) "*It is not sufficient that a nation have a genius for poetry*, unless they have the advantage of a rich and beautiful language, that their expressions may be worthy of their sentiments; the Arabians have this advantage also, in a high degree; their language is expressive, strong, sonorous, and the most copious, perhaps, in the world; for, as almost *every tribe* had many words *appropriate to itself*, the poets, for the convenience of their measures, or sometimes for *their singular beauty*, made use of them all, and as the poems became popular, these words were *by degrees incorporated with the whole language.*" (Ib.) "We are apt to censure the oriental style, for being so full of metaphors, taken from the sun and moon;

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this is ascribed by some to the bad taste of the Asiatics; but they do not reflect, that *every nation* has a set of *images*, and *expressions peculiar to itself*, which *arise* from the difference of its climate, manners, and history." (Ib.)

It is idle for foreigners to ask, good-naturedly, why we do not naturalize such Indian words, as seem most capable of civilization. Even supposing a vocabulary to have existed, and to be preserved, sufficiently copious, yet it is evident that, in order to be at all effective in composition, the language employed must promptly awaken ideas previously existing in the mind. A French poet would be laughed at, were he to introduce the words "comfort," "home," &c., and inform his readers, in a note, that Englishmen attach a peculiar and untranslatable meaning to them. People read to be pleasurably excited, and not to be told that the language used—whether Greek, or Latin, or Iroquois—*ought* to make a vivid impression. Such is the invincible difficulty on the subject, that even the words, "Ohio," "Mississippi," &c., do not recall to us the happily descriptive meaning, which they are said to convey in the original. No language but their native one, can with the mass of readers command that rapid and unbroken interest, on which the success of every work of the imagination so essentially depends.

Science, Philosophy, Law, Medicine, are of all tongues. Newton's Principia, or Bacon's Novum Organum, may be read quite as well in Latin as in English, and, indeed, some of the most precious treasures of English thought are to be found in the former. It is to Poetry that each language points for the trophies of its power. Now that of America does not, as Sir William Jones expresses it, "arise" from the characteristics of the country, and when complaint is made of the absence of any thing peculiar—distinctive—in our Literature, why may we not be, good-naturedly, suffered to suggest that we employ a medium of thought, and of description, appropriated, irrevocably and jealously, in the reader's memory to the *chef-d'œuvres* of the English muse? He has a vague expectation of finding something entirely new, wild, and startling in an American book, and is quite disappointed when he can trace the influence of the great masters of the common language. Our authors are very much in the predicament of the preacher, one of whose perverse auditors used to exclaim "that's Tillotson," "that's Blair," when any part of the discourse brought to his mind a passage in either of those great divines. Should brother Jonathan get vexed, and say something petulant, he is sure to be told, as in the finale of the story referred to, "*that*'s your own."

Surely there is nothing very arrogant or offensive in these reveries, in which many Americans have, undoubtedly, indulged. They do not apply exclusively, it is obvious, to the English language. Yet Captain Hall contrives to discover in them an ab-

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surd and rancorous antipathy to the "very name" of our mother tongue.

He found the Americans very taciturn—rather a novel charge against them, for every body has heard of Dr. Franklin's story as to the necessity of prefacing an inquiry as to the road, by an account of yourself and your business. Mr. De Roos remarks on those whom he met in the public conveyances—"Their thirst for information might be construed, by a person disposed to criticize, into an inquisitiveness bordering upon impertinence." Captain Hall, too, found his fellow-travellers obliging and communicative—they often turn out "very intelligent persons, who gave us much information that was quite new," &c. At Stockbridge, he says, it was "my pleasure as well as my business to get acquainted with as many of the inhabitants as I could. This was an easy task, as they were universally as kind and obliging as I had found their countrymen elsewhere."

He declares, to be sure, with a sneer, as to these same people, that he found none of that "high-mindedness" which had been "rung in his ears," but as he has omitted to inform us how he expected this quality to be manifested we can give his remark no definite answer. The circumstance from which he infers a taciturn disposition is, that people, at the common table of the hotels, despatched their meals very hastily, and seemed not inclined to enter into "chat" with each other. If Captain Hall ever travelled in England in a stage coach, or a steam-boat, or a packet, let him recollect whether he found his companions disposed to fall promptly, into easy conversation. Even at the first baiting place did he discover a communicative temper whilst awaiting the summons to return to the coach? Now the busy people whom he saw at these tables, meet each other under precisely the same circumstances, except that they have not previously been shut up in a coach together, and are not to resume their places at the conclusion of the meal. We venture to say, if Captain Hall were travelling from Edinburgh to London, and whilst snatching his hasty breakfast, some inquisitive American were to try to "draw him out"—to request him to talk, and laugh, and exhibit himself—that a very brief, and not a very good-humoured, reply would be given. In England, instead of meeting at a common table, each individual has his apartment or his box in the coffee-house. Take down the partitions, or throw open the folding doors, and there would not be a whit more sociability amongst the parties. At the hotel in New York, "those persons who chose to incur the additional expense of a private parlour, might have their meals separately." He chose to go to the common breakfast table, in order to "get acquainted with some of the natives," but "our familiar designs" were frustrated by the silence of the company. Again, at Catskill, he was present at a militia training, and "the light com-

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pany of one of the regiments" being dismissed to take some refreshment, he "joined the party, in hopes of being able to get some chat with their citizen soldiers—but one and all, officers and men, snatched up their dinner in such a hurry, that in less than fifteen minutes I found myself with only one person in the room. This gentleman, perceiving me to be a stranger, and I suppose looking rather adrift, I am sure I felt so, introduced himself to me, and was afterwards very kind and useful in showing me the place, and in explaining many things which I could make nothing of alone."

From such data Captain Hall has drawn his conclusion!

It is curious enough, that, long before seeing his book, we had been led to seek for some reason to account for what seemed to us the greater degree of reserve in England than in the United States, amongst those who are casually thrown together. We had, very innocently, set it down to the circumstance, that in the former country, the distinctions of rank are well defined, and are often most jealously maintained, where a danger is apprehended from proximity of running the lines into each other. This causes a mutual disinclination to make the first advance—in most cases, it is presumed, less from pride than from a shy apprehension of encountering coldness, or an actual repulse.

As to the state of *Manners* in the United States, the tourist has confined himself to certain dark, and seemingly very ominous, hints, to which it is, of course, quite impossible to offer any reply. All *argument* upon such a subject is necessarily idle, since it must rest on assertion, and a character for refinement is not to be established by clamorous pretensions to it. So far as he has furnished a glimpse at facts, they seem to indicate the general diffusion of a spirit of gentleness—of kindness—of a wish to oblige. In all the various modes of public conveyance, he was particularly struck with the absence of any stiff, brutal selfishness, and with the "*anxiety* to accommodate the ladies by changing places, or making any arrangements that were possible." This is not a trivial circumstance, when it is so universal and remarkable, as to be deemed, by a foreigner, characteristic. People may be profusely hospitable from vanity, or from a mere love of company, but a quiet cheerful waiver of personal convenience is a very different matter. Following Captain Hall amongst another description of persons—into the social circles which were opened to him—he has, without intending so to do, paid a compliment, the value of which will not fail to be appreciated, by all those who are truly well-bred. We never saw or heard of the *American* Chesterfield, which is noticed in these volumes, but we well remember, that, in the original work, his lordship lays it down, as the fundamental maxim of good-breeding, that there is *no medium* between perfect politeness and a duel. Now, while Captain Hall represents him-

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self as perpetually traversing the intermediate space, vibrating between the two points, uttering rude remarks, some of which are given whilst others are suppressed, as too gross for the press; he admits, that he never saw a citizen of the republic show by word, tone, or expression of countenance, *towards either sex*, that he had lost that self-possession which is, every where, the great and indispensable characteristic of a Gentleman. So far, therefore, Captain Hall has established the decided superiority of the American over himself, and over any society of which he may be considered the representative.

There is an air of extreme puerility, of which he will himself be ashamed "on cool reflection," in the introduction of extracts from this alleged American volume. If the existence of a book reprobating certain vulgar practices, be deemed sufficient proof of their general prevalence, amongst persons having claims to respectability, then America might draw the same inference as to England, from the publication of the original work; and even the Decalogue or Whole Duty of Man, be deemed evidence of universal depravity. In every nobleman's library in the kingdom, will be found his Lordship's Letters, anxiously deprecating practices infinitely more revolting than any which the American writer has subjected to his criticism. It would be very rash, however, to conclude that every Englishman "eats with his knife, to the great danger of his mouth, picks his teeth with his fork, and puts his spoon, which has been in his throat twenty times, into the dishes again," or that he, "has strange tricks and gestures, such as snuffing up the nose, making faces, putting his fingers in his nose, or blowing it, and looking afterwards in his handkerchief, so as to make the company sick." Yet, Captain Hall has led us to believe, that the "American Chesterfield," is graphically descriptive of the state of manners in the United States. Not to speak of New York, which is the especial object of his eulogium, does he mean to say, that he was annoyed by such practices at Boston, "with whose manners, appearance, and style altogether, we were much taken," or in "the agreeable society of Philadelphia," or the "agreeable and intelligent society of Baltimore?" The reader must infer that he was, for after asserting the "too great fidelity" of the strictures, he strengthens the impression which he desires to make as to their general applicability, by excepting indecorum in the Churches and Courts of Justice.

We might, perhaps, render the unfairness of this conduct more obvious, by referring to a recent number of a periodical work, conducted under distinguished auspices. In the New Monthly Magazine, will be found a series of papers of which the purpose is to ridicule the prevailing vices of behaviour; and the necessity for the writer's labours was suggested to him, he says, by what actually fell under his own observation. It can-

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not be supposed that this poignant irony would have found a place, but from the hope of the illustrious Editor, that the numerous and fashionable patrons of the Miscellany might be benefited by it. The following are amongst the maxims.

48. If you meet a female in the street, never give her the inside, unless it be her right.

58. Be orthodox in politics as well as in religion. Tell an American that republics must end in monarchy, and their career be short. Tell the Russians, they are rogues and savages for making war upon the gentle Turks, because you sell them goods, and it spoils your traffic.

61. If you enter a drawing-room before dinner, a little time too early, and find yourself *vis a-vis*, with an unlucky visiter as forlorn as yourself, do not utter a word. The chances are, nine out of ten, he will not speak first, that is, if he be a true Briton. Stare at him as hard as you can.

62. If you meet a lady in society, old or young, married or single, who equals you in argument, or rises superior to the thousand and one automatons disgorged monthly from fashionable boarding-schools, report her a *bas bleu* to your male acquaintances, and warn her own sex to shun her.

80. When you dine at a public dinner, always take your seat opposite a favourite dish. Carve it yourself, and select the choicest bits, then leave it to your right hand neighbour to help the rest of the company.

86. Always stick your napkin in your button-hole at the dinner-table, if you admit such French superfluities at all. Eat with the sharp edge of your knife towards your mouth; forks won't take up gravy.

89. When seated at dinner, between two agreeable ladies, direct your conversation solely to the gentleman opposite you, at the other side of the table.

99. Always be positive when you have a lurking consciousness of being wrong; it will give you the reputation of firmness.

100. Never leave a dispute to be settled by arbitration; if you are rich always appeal to law, especially if your opponent be poor. The lawyers will manage for you long before the case gets up to the Lords, and perhaps secure your rival in *banco-regis* for expenses. In an arbitration, the case may be decided against you in a twinkling. It is a capital thing that justice and a long purse are sworn brothers; besides monied men should have some advantage in society.

163. If you cannot get left out from the list of jurymen under Mr. Peel's late Act, by a bribe to the officer, who makes up the papers, and you are obliged to sit, always do as the Judge tells you, especially in cases of libel.

165. Though you do not care about religion yourself, it is fit-

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ting to have a decent external zeal for it, and not to allow others to attack it. Imitate a learned Judge, who, upon a man being tried before him for blasphemy, and, in defence, abusing the clergy, exclaimed to a friend sitting on the bench with him, "I'll be d—d if I will sit and hear the Christian Religion reviled in this manner."

178. When your daughters can translate "Comment vous portez vous," and interlard their conversation after the mode of governesses, with interjections in that tongue—when they can sing the words of an Italian song, the meaning of which they do not comprehend, and strum a tune out of time, it is a certain proof of a fashionable education, and that they are ripe for society; proclaim them adepts in tasteful acquirements, and *cut* all who will not implicitly credit your lie.

182. If you ride on a coach in rain, manage to drain your umbrella in your neighbour's neck, it may be agreeable to him. If you ride down Bond Street on a muddy day, ride smartly, close to the pavement, that you may bemire the passengers. If you can find a vacant place in front of a short person in the Opera Pit, *more especially if that person be a female*, take it immediately; you do not obstruct the hearing. If you hold the newspaper in a coffee-house, keep it until you have spelled all the advertisements twice over, because another is waiting to look at it. Order your carriage to halt at every place where there is a swept crossing for the benefit of foot passengers. Tell every tradesman whose shop you enter that his goods are bad, his prices an imposition, and you will buy nothing, though he has been two hours trying to satisfy your caprice. Make your coachman drive hard, and if he drives over a child or old woman, charge him with carelessness, and acting against orders. If you wear an umbrella-bonnet at a public meeting or exhibition, don't take it off, that the person behind you may see too. In short, never mind annoying others, if you can keep free of annoyance yourself.

Captain Hall will doubtless think it the result of American prejudice, when we smile at the idea of his becoming a critic on manners. There is something about him too sharp, angular, and *brusque*—a hasty, rapid sort of disregard of the feelings and opinions of others. Would he act in London as he represents himself to have done in the United States, elevating his voice, and heating himself up into offensive remarks, while all around, according to his own showing, maintained the most perfect composure? If not, here is the most decisive proof of vulgarity; for no gentleman approaches *any* society with less of self-command than he does, what *he deems* the very highest. Otherwise, the decorum preserved is the result, not of principle, but of awe. It springs not from a constant sense of what is due to one-self, but from a calculation that it is not politic or safe to

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indulge native petulance.* He had no more right to be rude to an American lady than to the King. In his speech, at Brockville in Upper Canada, (vol. i. p. 368,) he says, "For example, if I were to take it into my head, like Tom Thumb, to swear I would be a rebel, and decline his Majesty's farther employment, I don't conceive the King would be quite so ill off, as I should be, were his majesty, on the other hand, to signify that he had no farther occasion for my services."

It is very true that an American lady had no power of dismissing him from the service, yet it was not the less unjustifiable to put on towards her "an expression of countenance" at which she "took fire," on account of a remark as to the dexterity and intelligence of American stage drivers, and the docility of their horses, and this too, when she seems merely to have echoed his own language. These circumstances, will undoubtedly, make a very unfavourable impression in the United States, amongst those who looked on with amazement at this sort of exhibition, and were reminded of the scene at the clachan of Aberfoil, when the young English gentleman, Frances Osbaldistone, was so much astonished at seeing the Highlanders "snorting and snuffing up the air, after the manner of their countrymen when working themselves into a passion." It will require all their recollection of Sir Charles Bagot, and of his amiable successor, Mr. Vaughan, not to frame a general hypothesis that the idea conveyed by the word "chivalry," is as different in the two countries, as Captain Hall supposes its pronunciation to be.

It is curious how mere trifles illustrate the temper and character. Take for example, the altercation with the schoolmistress at New York. We all remember the story of the visit of the late king to one of the public schools in England, when the pedagogue accompanied him through the different classes, preserving a most magisterial air—perhaps wearing his hat—but at the door, dropped his voice into an earnest entreaty to be forgiven—"for if these boys thought there was a greater man than myself in the kingdom, I could never manage them." The king good humouredly laughed, and assented to the probable justice of the remark. But our Captain, not only beards the good schoolmistress" about his eternal "chivalry,"† but

* The sort of underbread, confident, air of assurance referred to, pervades the volumes. It is difficult to give examples of what consists rather in a general flippancy prompting to expressions such as that at Boston, whither many letters of introduction were taken, "So we merely wrote our address upon each letter, sent out *the whole batch* (doubtless through the Post Office, for he travelled without a servant) and sat still to watch the result."

† There is a very suspicious air of preparation, it may be remarked, about the whole of this scene. Captain Hall calls for the reading of a particular poem; uses afterwards a contemptuous "tone" that wounds the feelings of the "good schoolmistress," and induces her to ask an explanation which enables him to vent

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chuckles at the mutiny he had raised, "*I shrugged my shoulders*, and said no more of course, but was *much amused* afterwards, by observing that when one of the girls in the class in question, a little sprightly, wicked-looking, red-haired lassie, came in turn to read the Poem, she gave to both the words their true *interdicted* pronunciation. She herself did not dare to look up, while guilty of this piece of *insubordination;* but I could see each of the other girls peeping archly out of the corners of their eyes in the direction of the mistress, anticipating probably, a *double dose* of good counsel afterwards for their pains." Every one but Captain Hall feels that this is very silly and vulgar.

Indeed, throughout these volumes, there is an unpleasant feeling, that we travel with a man who would, in real life, make a very disagreeable companion. He cares not "a fig" (to use his own term at Brockville) for any body; he is opi-

his criticism; and then in his hurried and confident asseveration that Walker's Dictionary "Would bear him out," we plainly see a man who had made sure of his triumph, and was determined not to be balked. He had played into the hands of his morning's studies. That he is not very deep in the Dictionaries becomes apparent when he is caught at an impromptu. Thus he remarks, "The word for Autumn, in that country, is *Fall*, a term happily expressive of the fate of the leaves, and *worthy, perhaps*, of poetical, if not vulgar, *adoption*." Now, on turning to Johnson, he will find the 13th meaning of *Fall* to be autumn; the fall of the leaf, the time when the leaves drop from the trees," with an illustration from Dryden, which shows that the word was a common and familiar mode of designating one of the seasons of the year ("last fall.") He speaks of the expression to "subdue" the earth as a *local* one, yet, without referring to the modern poets he may find quoted by Johnson—

> "Be fruitful and replenish the earth and *subdue* it.
> "Nor is it unwholesome to *subdue* the land
> By often exercise, and where before
> You broke the earth again to plow."

He is surprised that what he considered a jug," should be called a "pitcher," whereas the New York Chambermaid, was right, for "jug" has reference to a gibbous form, carried farther than is found in the persons or earthen vessels of the Americans. Doubtless the poor girl could have exclaimed with Dryden—

> "Hylas may drop his *pitcher*—none will cry;
> Not if he drown himself."

But to return to Captain Hall and the schoolmistress. The suspicion of foul play is much confirmed by what occurs in another volume. At New Haven, he fell in with Noah Webster, the author of the Dictionary, and straightway they are found harping on this same "chivalry." True, the tourist modestly veils his own share of the philological discussion, by saying generally, that he asked the lexicographer "what he proposed to do with those words which were generally pronounced differently in the two countries." But it is impossible not to see that the very word which forthwith makes its appearance was of the Captain's suggestion. We can almost hear our kind-hearted old gentleman exclaim, "Good Heavens!—Is it possible that you, a naval officer, and a man of the world, can have had time to dive thus into Dictionaries?" the whole affair irresistibly reminds us of the man in the Vicar of Wakefield, with his single scrap of learning about cosmogony; and at New Haven it is difficult to avoid saying aloud, with the good Vicar, "I beg pardon for interrupting so much learning, but I think I have heard this before. Pray is not your name Ephraim Jenkinson."

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nionative, conceited, *eloquent*. Then, I warrant, such a *fuss* about his place, and his baggage, and eternal jars with the chambermaids, one passage in reference to this last matter has been already cited; but there is another so *characteristic* that it must not be omitted.

It occurs at page 142 of his first volume. He is far away in the western part of the State of New York. "One day," this is evermore the prologue to his tales of distress,) "One day, I was rather late for breakfast, and as there was no water in my jug, or pitcher, as they call it, I set off post haste, half-shaved, half-dressed, and *more* than half-vexed, (i. e. in a great passion,) in quest of water, like a seaman on short allowance, hunting for rivulets, on some unknown coast. I went up stairs and down stairs, and in the course of my *researches* into *half-a-dozen* different *apartments*, might have stumbled on some *lady's chamber*, as the song says, which *considering the plight I was in*, would have been awkward enough." Now, on behalf of that very respectable class of females, the chambermaids of the western part of the State of New York, we have a word to say. From the antecedent description it would seem that the girl here aimed at, though not named, performed the duties of what is called "a maid of all work." Then it is evident, that Captain Hall was himself to blame, for lying in bed until she was called off to wait upon the breakfast table.

That he is rather indolent and aristocratic in his habits, he has obligingly informed us. Thus on a subsequent occasion, he says, with a pleasant wit, "there is certainly more satisfaction in taking one's morning nap before setting out, than in rising with the stupid cocks, who have nothing else to do but crow," and adds, "We lay *snoozing* very snugly, to our good landlady's infinite surprise." But to return to the defence of the New York chambermaid. Captain Hall says, he was "*half*-shaved." How was this? without water? Scarcely. Why did he commence? Above all, why go over the house, in a condition to offend any female he might meet? Why not put on his clothes? But for his own comparative sluggishness, Captain Hall *would* probably have found in these chambers, ladies, he knew not, and he cared not whom. The English gentleman will scarcely believe without referring to the volume, that we are serious, in stating, that this disgusting trash is to be found in it.

The truth, as usual, is to be gathered from attending to the context. The maid referred to, was probably such a one as he describes, at page 121 of the same volume, "a pretty young woman apparently the daughter of the master of the house." At the next page but one, and whilst in the same region of country, he says, "By the way of *Ice;* this great luxury we found every where in profusion, even in the *cottages;* and an

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ice-pit near the house, appears to be a matter of course. The *mischief* is, that one is *tempted*, in consequence, to *drink too much water*, and this to a stranger, *entering a limestone country*, is not a harmless indulgence *by any means.*" Thus, then, the whole matter is explained. The poor girl put in his room, over night, as much of the liquid as she had found sufficient for any former traveller; but the Captain, allured by its coolness, guzzles away all night at the limestone water, and no wonder he was not ready, betimes, for his breakfast. This explanation, is due to a young woman who has been slandered behind her back, in a strange country. Did Captain Hall suppose, that this "pretty young woman, apparently the daughter of the master of the house," was to jog him by the shoulder "Do you want *more* water?" Would it have been decent or becoming on her part! Nay, the girl was perfectly right, in even keeping out of the way of this thirsty soul, when, according to his own showing, his appearance would have shocked a modest female. Here, then, we find a gentleman, going about the rooms of a house, expecting every moment to meet females, and *conscious that his person was indecently exposed.* Yet this refined personage is perpetually hinting, that he has some ominous disclosures to make, about what he saw in America. "I might easily describe in what the difference consists, between American and European manners. But there is always, I think, more or less, a *breach of confidence* in such descriptions, however generally, or however *delicately* expressed."

We confess, that the delicacy of this course of conduct is quite lost on us. Surely it would be both more useful, and more respectful to speak out plainly, so as to give us a chance of reformation, than to indulge in general contemptuous hints which operate abroad much more successfully in the way of disparagement, while to ourselves they are more galling. He tells us, in another, place, that "the rules of behaviour are not yet settled." As he has thus wrapt up himself in mystery, it is necessary to grope after the truth as well as we can, and assuming Captain Hall himself to be the representative of what he calls European manners, to glean from his book, what he probably deems the disadvantageous points of comparison. Thus, for example, we have already seen that the leading distinction between his own manner, and that of the Americans, is found in their habitual courtesy, gentleness, and self-possession. So much for the drawing-room, and the dinner-table. As to their deportment in country inns, he will certainly find few American gentlemen disposed to be his imitators. It is not their way to run about a house, half-naked, into the sleeping apartments of females, on the flimsy pretence of looking for iced water. In their simple code this would be held altogether ungenteel.

It seems that the gentlemen in Canada, carry this indecent

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exposure of the person to an extent, which it would be mincing matters to call merely barefaced. We are indebted to Captain Hall for the following anecdote. (Vol. i. p. 246.) "At this critical stage of our progress, when, I suspect, we only wanted a good excuse for turning back, but were deterred from saying so by the mere fact of its being hazardous to advance, we observed a portly-looking horseman approaching us from the marsh. In reply to our interrogatories, as to the state of the roads farther on, he shook his head, and assured us, they were much worse than any we had yet seen. 'The truth is,' added he, chuckling at his own prowess, 'I had myself some considerable distance to ride, through a place where it was so deep that the water came far above my knees.' On hearing this assertion, our eyes naturally glanced, incredulously, to his nether garments, which were perfectly sleek, clean and dry. 'O!' cried he, guessing our thoughts, and smacking his thigh with his hand, 'I was obliged to take off these articles (naming them,) and by *hanging them over my shoulders* I did very well, as you perceive.'" Captain Hall seems to have struck up an intimacy at once with this gentleman, whom he familiarly designates afterwards, (p. 247,) as "our fat friend," the well known phrase of Brummel. A little further on (p. 265,) he is led into the remark, "In *every* part of Canada we found the inhabitants speaking English, and *acting* and looking like Englishmen, without any discernible difference. At the *other* extremity of the continent he was equally taken with the Creek Indians. He regrets (vol. iii. p. 296) not having executed sketches of them with the Camera Lucida, "but until it was all over this never once occurred to me, and thus I let slip the only opportunity which the whole journey, I may say, my whole life presented, of drawing these interesting savages in a leisurely way." Their dress was that of the naked Pict, having nothing about the body, but "a small, square, dark coloured cloth, about one quarter as big as a pocket handkerchief, tied by a slender cord round the middle." But enough of this. We have not the slightest fear that Captain Hall's evil example in the State of New York will have any effect on the sober decencies of the inhabitants of that moral Commonwealth, nor will they ever believe that the people in the mother country are arrayed, as Captain Hall would lead them to infer, altogether after the fashion of our *first* parents in the old family Bibles.

One complaint is preferred against the society of the United States, of rather a singular character. He says, "*Positively* I never once, during the whole period I was in that country, saw any thing approaching within many degrees to what *we* should call a *Flirtation*." It scarce befits our gravity to enter on a vindication of the young people from such a charge, and we

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must refer him to what has been said by one of his brother officers, the Hon. Mr. De Roos.

"In American society, there is far less formality and restraint, than is found in that of Europe; but I must observe, that, notwithstanding the freedom of intercourse which is allowed, the strictest propriety prevails, both in conversation and demeanour." "I had an opportunity of witnessing an instance of the cordial and unreserved communication which exists," &c.

"The manners of the women are so easy and natural," &c.

The difference between the two witnesses is, probably, explained by the circumstance, that one, from his birth, has had access to the society of a Metropolis, whilst Captain Hall tells us that *he* has "been *all his life* at sea, or *knocking about*," &c. (vol. iii. p. 431.) One whose existence has thus been spent, either on board a man-of-war, or in "knocking," or being knocked "about," cannot have spent much time, we would fain hope, with the softer sex. Of course he has had his frolicks like other young men, but they have been at Sheerness or Spithead, and as these places live on the seafaring classes, it is probably no difficult matter for a brisk young fellow to get introduced, and to find, even in reputable families, young people well inclined to a fine game at romps. In Ree's Cyclopædia, under the head Portland, we find an account of what is called, in that part of England, "*Portland custom*," which must afford rare sport to the young middies; and it accounts, by the way, for a similar practice said to prevail in some parts of the backwoods of America, having, doubtless, been carried thither by some emigrants from this very quarter. To one dwelling on such free and easy reminiscences, it is quite natural that there should appear, in the United States, "the most respectful and icy propriety upon all occasions, when *young people of different sexes* were *brought together*, (vol. iii. p. 150.) It seems that this Flirtation is "a sedulous and exclusive attention paid to one person above all others." It is *not* "attachment," but it "borders closely upon it:" "it is an incipient interest sometimes felt by one, sometimes shared by both." It "may be fanned into a flame, or be allowed to expire," &c. The Captain cautions us, that "the *practice of expressing* such *emotions*, and many *others* of a *similar* character should be *habitual*, and not *contingent*." Truly, at the present day, in England, even in the seaports, one of these insinuating Billy Taylors, thus in the *habit* of "discovering his mind," would be very apt to find himself laid by the heels, before a court and jury. It is held that a promise of marriage may be inferred from *circumstances*, and it would stand the culprit in little stead, we suspect, to declare it was only a way he had. To be serious, if Captain Hall never enjoyed an opportunity of mixing much with people of refinement, yet a little

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reflection might have taught him that it is the peculiar office of good breeding to discountenance this sort of "sedulous and exclusive" attention—this hanging about a young lady, and engrossing her attention, instead of suffering her to feel that each member of the company has an equal claim on the contribution which she can offer to society. This pairing off in corners—these half courtships—render the country-gathering so important an event to sly daughters, and match-making mothers; but we suspect that such an exhibition would be deemed quite as vulgar in London as in New York. By way of illustration, we may suggest, that *had* he witnessed any such scene, he would probably have deemed it intrusive and unkind, to solicit an introduction to the young lady—perhaps the most interesting person in the room,—thinking that, according to the sailor phrase, "three spoils company."

The ingenuity of the Captain in framing an hypothesis is remarkably manifested at Stockbridge. He attended a cattle-show at that place, but the day was a most unfavourable one, "all was discomfort, and it made one feel cold and damp even to *look from the window* at the *drenched* multitude." He adds, "it was truly melancholy to see the poor people's *best clothes*, and other finery *destroyed*, and all their amusements *marred*. The *gay flags*, instead of waiving over the heads of the lads and lasses of the neighbourhood, hung dripping down to the very mud," &c. "Shortly after the ploughing match was ended, the day cleared up, and I expected to see some of that merriment set a going which I had been taught to consider as the appropriate, and almost necessary accompaniment to such a meeting. In particular, I hoped to see the women *tripping out*," &c. So far from this being the case, "the women trudged home." After a hasty dinner, to which they sat down at one o'clock, they proceeded to the church to hear an oration, and he describes minutely, the process employed to secure him a "good seat. It was obvious, from a hundred things, that they wished to treat strangers with all distinction." The females had previously been provided with places in the Church. From these simple facts, Captain Hall draws two inferences:—1st. That there is a sombre gloomy temper in the country; an indisposition to merriment; the people won't laugh; "they appear wofully ignorant of the difficult art of being gracefully idle." 2nd. That the women are sedulously set apart from the men on all public occasions. "At Stockbridge, it is true, a considerable number of women were present at the oration, but they were carefully placed on one side of the Church."

Now we humbly conceive that the facts stated by Captain Hall furnish us with the true explanation of both the circumstances which appeared so inexplicable; and he knows the fundamental rule of philosophy, that no *more* causes are to be sought

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for than will sufficiently explain the phenomena. With regard to the first, it strikes us, that as the poor women had had all their finery "destroyed" and themselves draggle-tailed in the mud, while Captain Hall was gazing from the window, it was quite a sufficient reason why they should make their way home in order to dry themselves, particularly as they had to take their places, at one o'clock, to hear the oration. 2nd. As to the arrangement at the church, there seems to be an equally obvious explanation. If precautions were necessary to secure places for strangers, it is quite natural that some arrangement should be made to provide for the convenience of the ladies. Indeed Captain Hall tells us, "It is a rule we saw *universally* observed in America, never to think how the men shall fare till every female has been fully accommodated." They were temporarily separated from the men, on the same principle that they occupy the front seats at the Theatre. Such seems to be the simple explanation of the mystery. Instead of being admitted by tickets, given indiscriminately, a passage into the Church, previous to the ceremonies, was allowed only to ladies; and to prevent their being pressed upon or incommoded, a particular part of the building was assigned to them.

At another cattle-show Address, no ladies were present, yet he declares it was one "which the most delicate minded person on earth might have listened to." He had just before remarked, that "the numerous pens where the bullocks and sheep were enclosed, afforded a high treat from the *variety of the breeds*, and the high condition of the animals exposed." His own language, negativing any indelicacy in the topics discussed, suggests the obvious possibility of the introduction, amongst these plain country people, of practical details illustrative of the good breeding of the cattle rather than of the orator; and it would seem quite as well, therefore, for ladies to keep away. It happens, that, just at this moment, we are less in the humour to quarrel with this fastidiousness, from having witnessed the pitiable distress of the very modest and learned gentleman who conducted the late inquiry into the case of Davies, an alleged lunatic. The following paragraph from the Times, of December 22, adverts to what fell under our observation. "The ladies present, to whom it had been *several times* intimated that they had better withdraw, persisted in keeping their places. The Commissioners at last observed, that *as all hints were lost upon the ladies*, it would not be necessary to consult their feelings any farther." We certainly prefer to this effrontery even the shyness of the Massachusetts females.

It is curious to note the trivial circumstances on which the fate of nations, as well as of individuals, often depends. At the cattle-show, Captain Hall was lounging about, "when suddenly the sound of a fiddle struck upon my ear," (vol. ii. p. 152,)

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he "ran eagerly to the spot," (ib.) but found no women there, and he makes up his mind that, with us, females do not, as mothers, wives, and sisters, enjoy, in the depths of domestic privacy, that salutary influence which they possess "in more fortunately arranged communities," and which, thank God, we know to be no where more happily exercised than in the United States. Had there been in the booth, dancing to the fiddle, a single female, even of loose character, the whole aspect of the book might have been changed! As it is, we may, perhaps, in vain remind him, as a kind of set off against the adventure of the fiddle, that there is no incident in the early life of Washington more familiar to our youth, or deemed more characteristic, than his prompt abandonment of the Navy, at the instance of a widowed mother.

The Captain says, "in England, no fair, no place of public amusement, *no election, no Court of justice, no place,* in short, *public or private,* is *ever* thought *complete* without a *certain* and *most influential* proportion of *female interest* being *mixed* with its duties or its pleasures." When he asserts, disparagingly, that there is nothing of this in the United States, we must ask him for an explanation. Let us take, for example, the legislative bodies of the two countries. These are the places to which females, one would suppose, might resort with the least fear of being annoyed, or of embarrassing by their presence the more sensitive of the other sex. Now, how does this matter stand in Great Britain? The annual session of Parliament, in London, is there the only scene of this description, and it happens that from both Houses ladies are excluded. We must explain. There is a prohibition never, we believe, departed from, against their appearance in the gallery, or on the floor of the House of Commons; but, by a special order from the Speaker, they may be admitted to a sort of loft above the House, whence they gaze down through a grating kept open for the purpose of ventilation, the scope of vision being about sufficient to enable them to catch a glimpse of the Speaker's wig. In order to enjoy this luxury, each lady has to thrust her head into one of the apertures of a kind of sentry-box which encompasses the ventilator, and to one below they must look like so many rogues in a pillory. All this time they breathe an air proceeding from the heated lungs in the small, close, and crowded room beneath. So jealous is the "separation of the sexes," that the officer, though sufficiently courteous, is in the fidgets when a gentleman manifests the least reluctance to quit the fair object of his charge. In the other House the arrangement is still more churlish. Formerly, ladies were admitted on the special introduction of a Peer; but since the debate on the Catholic question, there has been a new rule forbidding even this; and the only mode now for them to obtain access, is by an ar-

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rangement with the officer who has charge of a small spot near the door, shrouded by a red curtain. The lady creeps, stealthily, under cover, lest her good-natured introducer should be subjected to the rebuke of the Chancellor. Captain Hall knows, perfectly well, that, in both Houses of Congress, ample provision is made for the accommodation of ladies who constantly attend, without any ridiculous, and somewhat derogatory, effort at concealment. The same is the case in all the State Legislatures.

As to the Courts of justice, he surely does not mean to assert that it is customary, in London, for ladies to attend them. Such is not the fact, and few who take up the newspaper accounts of jury trials will wish, that their wives, daughters, or sisters, had been present to join in the "laugh" with which the report is usually interlarded, or to have been desired to withdraw on account of apprehended indelicacy. It certainly is not fashionable for ladies in America to be present on such occasions, unless the nature of the case be well known; but in the Supreme Court of the United States, sitting as a Court of Error, he must have daily seen the gay throng in attendance, and the careful provision made for their accommodation. If by "a *certain* and most *influential* portion of female *interest*" being "mixed" with the "duties" of a court of justice, he refer to that kind of influence which brought about the dismissal of Lord Chancellor Clarendon, it is very certain we know nothing of it. Any *other* meaning he may have, we have not succeeded in catching.

As to *Elections*, we plead guilty, to being of the number of those who rejoice that they abstain from any *active* interference. Surely Captain Hall, after deprecating the prevalence of political discussions amongst us, cannot be serious in regretting that the better half of our population should keep aloof from the irritating contest. One would think he ought rather to rejoice that the fire-side is sacred, and that it affords something to relieve and soften the bitterness of party spirit. We were certainly not much edified, during the last session of Parliament, at Petitions from females breathing a language not unlike that with which, in former days, they urged the speedy execution of the King's Minister.* One thing is very clear; the ladies

* In the 7th volume of the Harleian Miscellany, p. 605, (Ed. of 1811) will be found "The Petition of the Gentlewomen and Tradesmen's Wives, in and about the City of London," delivered to the House of Commons, 4th February 1641. They declare that nothing can go right whilst that arch enemy of our Faith and Reformation lieth in the Tower, yet not receiving his deserved punishment." "The insolencies of the Papists and their abettors, raiseth a just fear and suspicion of sowing sedition, and breaking out into bloody persecution in this Kingdom, the thoughts of which sad and barbarous events make our tender hearts to melt within us." "Our present fears are that unless the blood-thirsty faction of the Papists and Prelates be hindered in their designs," &c. It often struck

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must either agree with their male relatives on political subjects, or differ from them; if the former be the case, their active exertions at the polls may well be spared, and if the latter, no one, we presume, will deem such exertions a public good. They have functions more endearing and appropriate, even *out* of the domestic circle. Captain Hall pays a tribute to the untiring and effective zeal of the American ladies, in reference to all the institutions sacred to Charity; and this must atone, as far as it may, for their absence from Elections.

We are inclined to lead Captain Hall to the condemnation of his querilous temper, as to the complacency with which the Americans spoke of their institutions, and their public works: we might, perhaps, ask him to account for the parental weakness which has devoted so large a portion of these volumes to a little personage, who, however dear to himself, cannot be deemed very interesting to the reader. What right has he to eke out a two-guinea book, on America, by giving us not only the most frivolous details about his own person—his eating and drinking, and sleeping and "snoozing," and shaving—but by an abstract of the family debate, as to whether he should take his infant child with him across the Atlantic, and by introducing long passages, of which the following are specimens:—"As I was desirous that my child should have it to say, in future years, that she had seen this remarkable star, I was tempted to carry her out to the verandah on purpose to show it to her. It was so low down, however, that for some time I could not fix her attention on the spot. At last she caught a glimpse of it, flashing away between the tops of the trees, and turning to me, exclaimed, 'Moon! Moon!'" Again, "The child, who had accompanied us all the morning, though unconscious of the cause, likewise felt the genial influence of the hour, and amused herself at our feet, while we were seated on the grass, by *trying to imitate the sounds made by a pig* which had thrust himself *most unpoetically* into the foreground of the picture, and there busied himself, *much to the infant's amusement*, in making a line of circumvallation round the party, *with his snout.*" "Our confidence in the measure alluded to, was much increased by discovering how good a traveller the little creature made, though only fourteen months old. Of this we had an *amusing* proof, on *the morning after the scene with the pig.* At four o'clock we were all roused up to prepare for the steam-boat which passed at five. I *thought it a pity* to awake her, and therefore *merely* wrapped her *up* in my boat-cloak, in which she was carried *fully* half a mile to the landing place. There *the*

us with surprise on witnessing petitions from females during the last session, and a talk about "looking into precedents," that no allusion should be made to a Document so apposite in its terms, and so characteristic of the times in which it was presented.

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young adventurer was laid *on the table of a warehouse*, in the midst of bells ringing, doors banging, and *all kinds of music*, till the steam-boat hove in sight. *Still she slept on*, through all the clatter of the passengers *and paddle wheels*, and *never* stirred or *opened her eyes* till we had left the pretty town of Hudson *many* miles astern." We are farther let into the fact, that the little girl ran about on board the canal boat, "at the end of a shawl, by which she was tethered for better security against tumbling overboard."

It is added, in illustration of the state of things in the United States, "During all the morning she had been dragging the passengers about the decks of the steam-boat, opening every box and door that she could get at, till she fairly dropped asleep, at full length, in the middle of the deck." Having, "let a good meal slip by us," the consequence was, that the child was "*whining* from time to time, from *sheer* hunger." Then we have two pages to the same purport, at the end of which, "little Miss," is found "gobbling up" some new milk. On another occasion, "I am not *sure* that I *ever* looked upon her little countenance with so much satisfaction, as I did at that moment."

All this, too, occurs in a book which omits what would really, be of interest, and with regard to which Captain Hall had very good opportunities of informing himself. Thus he traversed the whole of the Southern States, and we looked, with some eagerness, for information, as to the actual influence of the Tariff on that quarter. Did the feeling of repugnance seem so strong as to threaten a convulsion, should the measure be persisted in, without modification? How far has it affected the Liverpool connexion? Does the prospect of a safe domestic market begin to reconcile the people to it? Do they get from the Eastern manufactories, an article as good and as cheap as the imported one? How much of their Cotton is consumed at those establishments, and what are the comparative advantages of the two markets? What do they say as to the oppressive duty, of this country, on Tobacco? Do they confirm the British Ambassador's declaration to his Government, that the Tariff Bill never would have passed but for the pressure of the British Corn Laws on the great staples of Pennsylvania? (See Parliamentary Documents.). He is totally silent on these points, and yet has leisure to tell us, that his child mistook a star for the moon, and that he himself was guilty of a very different blunder at Niagara, for, whilst evidently only moonstruck, he *fancied* himself, "traversing the Heavens, in company with Sir Isaac Newton, and that the sage was just going to tell me about the distance of the *fixed stars!*" (vol. i. p. 353.) These stars, perhaps, are more in fault than he; otherwise, we might complain of a hundred other omissions: amongst the rest, his total silence as to most important public works.

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If we were to take Captain Hall to task, in a harsh temper, for having thus filled up his book with matters which can only interest himself, he would probably *wish* to reply in the language of one of the most delightful of living writers:—"To persons of a cold and reserved temper, he sometimes appeared rather too much of an egotist, for he talked with fluent enthusiasm of the excellent qualities and beauties of whatever he loved, whether it were his dog, his horse, or his country; but this was not the egotism of vanity—it was the overflowing of an affectionate heart, confident of obtaining sympathy from his fellow creatures, because conscious of feeling it for all that existed." He would declare, that he lived, as it were, unguardedly amongst these people, and, feeling almost domesticated, forgot the *technical* rules of politeness. "In *general society*, also, so much attention was paid to our wants, and such a ready disposition manifested to give information—to say nothing of the *obliging notice* taken *by all parties* of our young traveller, now a year and a half old—that we left Albany with sincere regret." Now Albany is the place most vehemently denounced for self-puffing, and this "tormenting" practice, proceeded so far, that "there was hardly room left for us to slip in a word edgeways." Suppose these good people, the moment Captain Hall turned his back, had begun to recollect the "rules of behaviour," which he declares are not yet "settled" in America, and which seem, by mutual consent, to have slumbered during this free and unsuspicious intercourse. All the world over, he says, it is ill-manners to praise your own family; yet we venture to say, that Captain Hall told these people all about "what a good traveller the little creature made," of the attempt to imitate the pig, and of that other "amusing" incident, "the day after the scene with the pig." It is laid down in the Books, to be very vulgar to plague people with your children—troublesome brats—yet *all parties* at Albany, it seems, had a tax imposed on their kindness and good nature, which was cheerfully paid, because, they saw that the parents were gratified. And yet because, in this sort of amiable intercourse, the feelings flowed out on the other side, and they talked of the nurselings of *their* pride, which Captain Hall had come across the Atlantic to visit—brought them into the parlour, and dandled them before him—he "finds from his notes," that all this was very disgusting.

For our part, we confess that the passages relating to the little girl are by far the most pleasing of the whole, and we would give up all the profound disquisitions rather than part with one anecdote, even that about the pig. We catch, here, something of an amiable play about the features of the Book, relieving its high cheek-bones, and vile, sarcastic, Sneer, and pert, conceited Voice. Bad taste as it may be, we dearly love to hear good

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Mrs. Primrose "praising up" her daughters, and are not "tormented," even when she declares that the chits, well as they footed it, had caught all their best steps from herself.

But we have been conceding the truth of the charge. Where is the evidence of it, or what, in fact, is *distinctly* meant by it? He declares they bepraised their institutions and their canal. Now we presume, that when a stranger comes into a country to examine what is peculiar to it—and asks, an explanation of the circumstances in which it differs from what he finds elsewhere—an effort will be made to set forth the reasons to the best advantage. We consider every thing to be for the best; otherwise we would make a change. The very statement of these supposed advantages necessarily involves a high degree of praise, and, of course, exposes the informant to the sneers of a person like Captain Hall, who says, "very often, when asking for information, I have detected that my *wish* was rather to prove my *original and prejudiced* conceptions right, than to discover that I had previously done the people injustice." It is curious to note how Captain Hall manages this matter on his own part. At the close of his work, he introduces a dialogue between himself, and an American, in which, to be sure, he draws such a picture of the English Government, that we only wonder his vanquished antagonist did not at once determine to quit the poor Republic, and, according to the forms of knight-errantry throw himself at the feet of the victor's dulcinea. If it be in the power of exaggeration to do more, we think the materials can be drawn only from Captain Hall's apparently inexhaustible stores. The poor American in this "characteristic" colloquy does not venture to say a word in favour of his own country, but confines himself to a feeble assault which is readily parried with the aid of a stern countenance, and a loud, authoritative, voice. We may remark, by the way, that this anonymous American the Captain took into his service at a very early period, and carried all over the country with him, and the poor devil never once gets the better in any of their various discussions. He seems, in truth, to have been a simple, easy, soul, with no great stock of brains, and marvellously in awe of the Captain, oftentimes appearing quite afraid to speak up, or even to say his soul's his own. In this closing exhibition, he plays the part of a good-natured spectator at a show—naming the cards, and if he say one of them's black—lo—presto—the Captain breathes on it—its a white ace! At parting he gets a good character for honesty and civility, and may be safely recommended to any future tourist of Captain Hall's temperament, particularly if travelling with children.

It seems, farther, from the Captain's account, that the Albany people made much of their Canal; telling him, doubtless,—in reply to his inquiries,—what it had cost, what diffi-

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culties they had to struggle with, what revenue it yielded to the State, and paying a deserved tribute to the illustrious citizen whose fame is identified with its success.

But the Canadians, do not boast of *their* Canals. For this we have already furnished, it is presumed, a sufficient reason. Their cue was, in the language of Captain Hall's Irish friend, Cornelius, rather to "understate" matters. That they put on a begging air, and asked, that a good word might be spoken for them at home, may be inferred from various passages. Thus (vol. i. p. 235,) "The Rideau Canal, *must*, if we regard our national honour, on no account be abandoned, *cost what it may.*" And again, "Our present duty is most clear, and though its execution be *somewhat costly*, its imperative character is not altered on that account." Speaking of "a projected fortress at the Short Hills," he says, (vol. i. p. 249,) "I conceive that this fortification, and one or two others, ought to be erected forthwith, to show the Canadians *as well as their neighbours*, that we are in earnest, &c." He holds it out *in terrorem* to the Canadians, that "were they to become members of the American Confederacy," then, "every improvement made, would be at the expense of direct taxation, from which they are now exempt." That Captain Hall should deem this a very powerful argument is natural from what he saw of their indisposition to put their own shoulders to the wheel. "We left Quebec at half past nine in the morning of the 28th August, and after an hour and a half's drive, came to the river Montmorency, over which there had been a bridge that, *about six weeks before*, had tumbled down, and, what was absurd enough, there seemed every probability of its remaining down six weeks longer, though an active carpenter with some twenty labourers, might easily have put it up again, and made it passable for carriages in two days. I never saw *any country* where these sort of things appeared to move so slowly as in Canada." It may be recollected, that a few hours after leaving the Capital of the other Province, they were brought into imminent peril in attempting to cross a river, "where a bridge had once stood, but stood no longer."

It seems, however, that for what the Canadians really consider their own, they are very much disposed to exact admiration. They do not, for example, fear that an Englishman will say, according to Mr. Canning's well known story, "that's, *my* thunder." They almost plagued him to death about their cascades, and carried their impertinence so far, as even to think that he would, to please them, break in on his "morning nap," (vol. i. p. 399,) which he seems to consider the summum bonum. "We lay snoozing very snugly," (ib. p. 398,) is his beau ideal of happiness, even in the month of August. Besides, he has no good of his victuals when hurried;

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and breaks out thus, on these importunate people, (p. 399-400.) "Were we to snatch hasty cold meals, or scald our throats with boiling tea, instead of doing such business at leisure, merely because a waterfall was to be seen?" "But to travel in this leisurely style, you must *keep yourselves to yourselves*, and shun as you would that of an evil spirit the assistance of guides, chaperons, or companions; and, above all, that of *well informed friends*. Had we been accompanied, for example, on our excursion to St. Anne's, by *any* of the very pleasant and obliging people of Quebec, to whom every foot of the ground is well known, what a *fuss* they would have been in, on finding their *victim* was only beginning to think of shaving two hours after he ought, by their reckoning, to have been under all sail on the mountain's side," &c. He at length comes to start at the bare mention of a Lion in the path; yet these merciless people let on him the little ones and all. Thus, (p. 401,) "*Kettle Falls*, so called, I believe, in consequence of a number of holes worn by the stream in the surface of the rocks, into the shape of pots and pans. Be this as it may, the river happened to be so low, that there was *nothing* in the way of cascade, to be seen; and upon the whole, *we felt a malicious satisfaction at the circumstance*, for we were beginning to get rather tired of waterfalls. Independently of which, it is sometimes quite a relief to be *spared the pain* of inexpressible *admiration*." Most amiable gentleman-like feeling truly! A "malicious satisfaction" that kind people, who left their employments, and endeavoured to render his journey agreeable, should be *mortified* at finding that accidental circumstances prevent their previous representations with regard to scenery from being verified! We look back with something of puzzle at Captain Hall's assertion, (p. 212,) that the Canadians "without insisting upon having things viewed couleur de rose, are content to believe that strangers passing through their country, will take a fair view of things." It occurs, about the period of his rencontre with that Cavalier, who had disencumbered himself of his "nether garments," to move more comfortably through the mud. Yet though the portly horseman, who afterwards became Captain Hall's "fat friend," is very candid as to the state of the roads, he still exhibits rather a boastful temper in his way. 'The truth is, added he, *chuckling at his own prowess*, I had some considerable distance to ride through a place where it was so deep, that the water came far above my knees,' and again, 'Oh, cried he, guessing our thoughts, and *smacking his thigh with his hand*, I was obliged to take off these articles (naming them,) and by hanging them over my shoulders, I did very well as you perceive.' The seeming contradiction is to be reconciled by noting, that in one place, his object is to throw out a silly sarcasm at the United States,

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by a compliment to the Canadians, whilst in the other, he yields, unguardedly, to the promptings of natural temper.

Now and then, the Captain runs to an extreme of impartiality, offering opinions in direct and palpable contradiction of each other, and leaving us at liberty to make up our minds quite untrammelled by his authority. Thus, at p. 124, of the first volume, he adverts to the want of *rapture* on the part of Americans towards the scenery of the Hudson. "Neither is this to be explained by supposing them to have become too well acquainted with the objects in question; for I think it happens, generally, that when there is a real, and not an imaginary perception of the beauties of nature, the pleasure arising from their contemplation goes on increasing, and habit, so far from rendering such scenes too familiar to be interesting, only contributes to unfold new points for admiration." At p. 253 of the same volume, he says, "It may, perhaps, sound heterodox, but I know few things more fatiguing, *for a continuance*, than fine scenery; and I suspect most people, after passing *three or four weeks* in Switzerland, would say they were right glad to *escape* into Italy, or even into France." One or the other of these passages must, of course, be erased, after the author shall have fully made up his mind, and, doubtless, he will retain the sarcasm against the people of the United States. It will not fail to occur to the reader that here is one of the most striking instances of the silly, thoughtless, frivolity of the tourist. He has professed to describe the feelings of Americans towards scenery, and towards England; and his mode of treating one may illustrate his candour and powers of philosophical observation with regard to the other. He decides that the Americans are insensible to the beauties of Nature, because he witnessed no overt act of *Rapture* at scenes with which they had been conversant from childhood. And yet this intensity of enjoyment which should "go on increasing" with familiarity, is declared, a little farther on, to pall after three weeks! We feel very sure that *Nature* will not be deceived by such a witness as Captain Hall; and it is hoped that England will not.

Another of his inexplicable jumbles. On the Hudson River he forbears to say any thing about the scenery, because it "has been so ably and so faithfully described" by a "classical" American author. On the way from New Orleans, he is occupied on a "spirited" American work. He expresses signal gratification that the works of a lady of Massachusetts had been republished in England. On Mr. Cooper's novels he passes the highest eulogium. An American work, written "in a very masterly style," he apprises his readers, is to be "procured from Mr. Miller, American book-seller, Pall Mall, London." He quotes passages from various "learned," "eloquent" "able," American writers. At Philadelphia a gentleman satisfies him that he has committed an important philological

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blunder in his book on Loo Choo, and he is so anxious to repair, as far as possible, the mischief, that he got the gentleman to draw up a paper on the subject, which he caused to be published in London, and tells us where it is to be procured. At New Haven, he says, "I was at first surprised when Mr. Webster assured me there were not fifty words in all which were used in America, and not in England, but I have certainly not been able to collect nearly that number. He told me, too, what I did not quite agree to at the time, but which subsequent inquiry has confirmed as far as it has gone, that with very few exceptions, all these apparent novelties are merely old English words brought over by the early settlers." He finds, every where, "pleasant agreeable" people, and his chance fellow passengers in the stage, prove "very intelligent persons, who gave us much information that was quite new." Now it does not appear that Captain Hall travelled with an Interpreter, or that he read the volumes referred to in a translation. Yet at one of those moments when he saw things "through a bilious medium," he makes the following unqualified assertion, "In all my Travels, both amongst Heathens (Loo Choo, &c.,) and amongst Christians, I have never encountered *any people* by whom I found it *nearly* so difficult to make myself understood as by the Americans." And to the utter dismay, doubtless, of "Mr. Miller, American bookseller, Pall Mall, London," no sooner has he given that gentleman's address, and recommended, apparently, his readers to go there and purchase a certain American work, written "in a very masterly style," than he turns round and speaks of the "*very foolish sort of wisdom*" which would be manifested in "extending our acquaintance with their literature and history beyond its present confined limits!"

At Boston, Captain Hall visited the High School for boys, and two of the scholars ("who took us for their own country people") being called out to speak, happened, unluckily, to hit upon some specimens of oratory not exactly suited to such an audience. From the description given of these speeches, the adoption of which "as models" he deprecates, we suppose them to have been, the one that of Col. Barré, and the other, Lord Chatham's. The phrases quoted, "Gratitude! Gratitude to England," &c., are Col. Barré's, with an addition, we suspect, from Captain Hall. The American gentlemen who accompanied him were "disconcerted" at the circumstance. The Captain manifested his usual good breeding by loud and sarcastic merriment. "We were amused *to the top of our bent*, and the young orators seeing us take more than common *interest* in their declamations, elevated their voices," &c. Strange that Captain Hall cannot see the wretchedly vulgar taste of all this! If, as we are inclined to suppose, the speech which he heard was that of Lord Chatham, usually associated with Barré's, we can readily understand that it might not have been

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very acceptable to him. The following is an extract:—"These Colonists are now, my Lords, called rebels; they are stigmatized with every base and abusive epithet in the English language. Yet, my Lords, *I remember* when this country was waging war with the united powers of France and Spain; when there was a rebellion, *a Scotch rebellion*, within this land; *I remember* when our fleets were useless—our armies unsuccessful—that *these men*, now described as the blackest and basest of all rebels, nay more, *that very Colony* which has been represented as the hot-bed of sedition and treason—that colony against which the keenest lightnings of government are denounced and directed; I remember, I say, my Lords, *this very Colony*, sending forth four regiments of undisciplined militia, which *gave the first check to France in her proud career*, and *erected the standard of conquest* on the walls of Louisbourgh. But, my Lords, we need not point out particular facts in proof of the bravery, the zeal, the duty and affection of the people; the annals of the last war (that which ended in 1763,) will tell such of your Lordships as are not old enough to remember, how they fought, and how they bled; they will tell you how generously they contributed, how like loving brothers they shared the common burden and the common danger. Your system, my Lords, has been erected on the ruins of the Constitution, and founded in conquest, and you have swept all Germany of its refuse as its means. There is not a petty, insignificant, prince, whom you have not solicited for aid." (Gentleman's Magazine for 1777, p. 251-2.)

Our tourist cannot seriously think that an American schoolmaster is bound to prohibit the use of Lord Chatham's speeches. True, Captain Hall has a peculiar theory of his own on the subject of public speaking, and insists on a sort of quiet, snug, colloquial manner, little suited to the vehement and masculine spirit of the great orator, or indeed of Fox, Burke, or Canning. He cannot abide, he says, that "loud oratorical tone which is the bane of *good debating*." With regard to Col. Barre, if Junius did not disdain to borrow a sarcasm from him, surely *we* may be permitted to refer to one who was the most strenuous asserter of the great constitutional principle on which the revolution was fought, and with regard to which both countries now entertain the same opinion. That our admiration of Lord Chatham's oratory is not altogether connected with his conduct in reference to the revolutionary struggle may be inferred from the circumstance that the speech on the difficulties with Spain is equally well known, and as great a favourite in our schools. We remember to have recited it with due emphasis and discretion, from "Select Speeches, Forensic and Parliamentary," which is the standard American collection, and in the following passage we find that our memory corresponds exactly with the report in the Gentleman's Magazine, for the year 1770, (p. 571.)

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"My Lords, the English are a candid, an ingenuous people: the Spaniards are as mean and crafty as they are proud and insolent. The integrity of the English merchant, the generous spirit of our naval and military officers would be degraded by a comparison with *their* merchants or officers. With their ministers I have often been obliged to negotiate, and after long experience of their want of candour and good faith, I found myself compelled," &c.

The Quarterly Review in quoting this part of Captain Hall's book, expresses infinite horror, that such a temper "could be introduced into the recitations of their inflated compositions, in their seminaries for education." We have given what is supposed to be the true explanation, though the tourist has so veiled his description that nothing but conjecture can be hazarded. We may ask, whilst on the subject, for an explanation of a circumstance which has attracted some attention in the United States. In the Gentleman's Magazine, for April, 1815, (p. 352,) will be found not merely the adoption of a model, but an original composition prepared for the most distinguished "seminary for education," in Great Britain—that of Westminster. It was here, that Lord Mansfield was educated, and his biographer remarks, "His Lordship having paid every grateful tribute to Westminster School in his life time, where he received his education, his profound respect for *alma mater* dictated the direction in his Will, that his remains should be deposited there." The composition alluded to is a virulent attack on the United States; and the purity and force of the Latin show it to be no school-boy production. It is thrown into the form of a dissuasive against emigration to the United States, and, of course, was written after the termination of the war. The following are specimens of its vituperation. It is said, to be, there, accounted a good joke to gouge, to scalp, to bite off the nose, and to take human life.

oculos exscalpere, pollice frontem
Scalpere, nasum omnem mordicus abripere
Atque necare hominem jocus est lepidissimus.

To lie, is the great boast of an American merchant.

"Mentiri est mercatoris laus summa."

Of the Chief Justice of the United States, it is said,

"Optimus et Judex maximus est *nebulo*."

and of the various meanings of the word, whether "rascal," "scoundrel," "hector," "cowardly bully," &c., the reader is prompted to select the most odious. Did Captain Hall hear any thing of this sort in the United States? It is not designed, be it observed, to cherish a generous recollection of national prowess, but consists of mere cold-blooded defamation. The same personage has filled the office alluded to for more than a

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quarter of a century, and Captain Hall speaks of "the pre-eminent talents and high character of the present venerable Chief Justice of the Supreme Court of the United States." May not the learned authorities of this Institution reflect, with pain, how far they have contributed, to foster that "unkindly feeling," and that, "animosity," which, we are told, prevail in Great Britain towards America? The young gentlemen who were tutored to utter these falsehoods are now in the House of Lords or the House of Commons. Can the shade of Lord Mansfield linger with complacency round a scene desecrated by the slander of one whom he would not have disdained as an associate in the Sacred Ministry of Justice?

Captain Hall is at a loss to understand what *motives* he can possibly have for giving an unfavourable account of the United States. Without imputing to him either the guilt, or the steadiness of purpose, implied in a settled determination to misrepresent, we can readily imagine a variety of considerations which have, perhaps insensibly to himself, given a tone to his book. We are willing to believe that he reached the threshold of publication irresolute. A confused mass of materials lay before him; a great deal prepared, while he saw every thing "through a bilious medium," and the rest in a more complacent mood; time was hastening to take from the interest and freshness of his statements; a decision must be made; and it was essential to the dignity of the work to give to the whole, some prevailing character, so that even grave Statesmen might not disdain to draw from it important political reflections. This is the trying crisis when anxious thoughts throng upon a weak, and a vain, man, looking over his discordant notes and calculating the chances of success; and it is to this period that our remarks apply.

A manufacturer of books, like the manufacturer of any other article, must study the taste, and even the caprice, of the market. Those "china plates," as Captain Hall calls them, which he saw bearing the image of General Washington, came from England; and nothing, certainly, can exceed the good nature with which the amiable people at the Potteries have waived their prejudices, and ministered to our self-complacency, particularly in reference to the naval combats. Now, as to the American market, Captain Hall ascertained that in order to take out a copyright, he must be a resident of the United States, and this not exactly suiting his views, he declares, that he writes exclusively for his own countrymen. What then did *he believe* would be the most acceptable strain? He has characterized the prevalent temper towards America, by the epithets "ill-will," "animosity," "unkindly feelings." It was, therefore, not likely that a book got up in a temper utterly rebuking these sentiments would be a very popular, or a very saleable, one.

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Captain Hall had the benefit of his own experience to guide him. He knew how much more gratifying it was to find "his original and prejudiced conceptions right, than to discover that injustice had previously been done to the people." (vol. i. p. 167.) Preconceived opinions are not, as he justly remarks, to be "got rid of without a certain degree of inconsistency generally *painful*, and sometimes *ridiculous*." (ib.) If he experienced this feeling amidst the kindness and hospitality of the country, he might well anticipate its existence on the part of those who, with like prejudices, have no such reason for thinking their indulgence ungracious or unkind. It is undoubted, that the judgment is piqued by perpetual contradiction and efforts to set us right, and, besides, more labour is involved in the process than one chooses to expend on volumes classed with the lighter literature of the day. It is another advantage, and sometimes an important one, of a tone of assentation, that we require nothing to corroborate what falls quietly in with our own previous belief, whilst he who opposes it becomes at once the adversary's witness, and half our thoughts are employed in preparing a cross-examination, and considering how his testimony may be assailed.

In the next place, it is evident that Captain Hall, if not himself a partisan, has, at least, been habitually in association, and the warmest sympathy, with the party described in the following passage of the Edinburgh Review, (Vol. xxxiii. page 399.) "It is a fact which can require no proof even in America, that there is a party in this country not friendly to political liberty, and decidedly hostile to all extension of popular rights, which, if it does not grudge to its own people the powers and privileges which are bestowed on them by the Constitution, is, at least, for confining their exercise within the narrowest limits—which thinks the peace and well being of society in no danger from any thing but popular encroachments, and holds the only safe or desirable government to be that of a pretty, pure, and unencumbered monarchy, supported by a vast revenue and a powerful army, and obeyed by a people just enlightened enough to be orderly and industrious, but no way curious as to questions of right, and never presuming to judge of the conduct of their superiors. Now, it is quite true that this party dislikes America, and is apt enough to decry and insult her. Its adherents never have forgiven the success of her War of Independence—the loss of a nominal sovereignty, or perhaps of a real power of vexing and oppressing her supposed rivalry in trade, and, above all, the happiness and tranquillity which she enjoys under a republican form of government. Such a spectacle of democratical prosperity is unspeakably mortifying to their principles, and is easily imagined to be dangerous to their security. Their first wish, and for a time their darling hope, was that the infant States would quarrel among themselves, and be thankful

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to be again received under our protection as a refuge from military despotism. Since that hope was lost, it would have satisfied them to find that their republican institutions had made them poor, and turbulent, and depraved, incapable of civil wisdom, regardless of national honour, and as intractable to their own elected rulers as they had been to their hereditary sovereign. To those who were capable of such wishes, and such expectations, it is easy to conceive that the happiness and good order of the United States—the wisdom and authority of their government—and the unparalleled rapidity of their progress in wealth, population, and refinement, must have been but an ungrateful spectacle; and most especially, that the splendid and steady success of the freest and most popular form of government that ever was established in the world, must have struck the most lively alarm into the hearts of all those who were anxious to have it believed that the people could never interfere in politics, but to their ruin, and that the smallest addition to the democratical influence recognised in the theory, at least, of the British Constitution must lead to the immediate destruction of peace and prosperity, morality and religion. That there are journals in this country, and journals, too, of great and deserved reputation in other respects, which have spoken the languge of the party we have now described, and that in a tone of singular intemperance and offence, we most readily admit," &c.

It is curious to note how soon after the Revolution this temper was displayed.

Dr. Franklin, in the year 1786, writing from America to M. Le Veillard, uses the following language, (Memoirs, &c., London, 1818, 2 vol. p. 90.) "Be assured that all the stories spread in the English papers of our distresses and confusions, and discontents with our new government, are as chimerical as the history of my being in chains at Algiers. They exist only in the wishes of our enemies." "All this is in answer to that part of your letter, in which you seem to have been too much impressed with some of the ideas which those lying Englih papers endeavour to inculcate concerning us."

And again, in a letter to David Hartley, Esq., he says, (vol. ii. p. 136.) "Your newspapers are filled with accounts of distresses and miseries, that these States are plunged into, since their separation from Britain. You may believe me when I tell you, that there is no truth in these accounts."

In a letter, dated London, 22nd April, 1786, Mr. Jefferson says, (See Memoir, Correspondence, &c., London, 1829, 2 vol. p. 2.) "I dined the other day in a company of the ministerial party. A General Clark, a Scotchman and a ministerialist, sat next to me. He *introduced the subject* of American affairs, and, in the course of the conversation, told me that were America to petition Parliament to be again received on their former footing, the petition would be very generally rejected."

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The same disposition is manifested, at the present day, by those who think it important to decry the influence of popular sentiment in every country, and under every form of government. The continued tranquillity and happiness of America they regard as an affront to their sagacity, and as having, for fifty years, kept them out of a good argument. Fortunately, a new topic has of late years started up to vary the themes current in Dr. Franklin's day. The difficulty experienced by the people of Mexico, &c., in suddenly turning to the best advantage their escape from Despotism—the awkwardness of their first attempts at self-government without the least previous training or preparation—are turned to an excellent account. The omission, also, to pay dividends, has given a shock to the credit of Republicanism on Change, and the panic spreading thence amongst the holders of the public securities, people start at the very word Reform, as if it must lead to something shifty and insecure, besides involving an unworthy imitation of a parcel of Republics, who, if caught in England, would be every one of them in the King's Bench before night.

It is a matter of course, that we are destined to the same evils; the whole being treated as one great partnership concern for the propagation of republicanism, and we, as senior members of the Firm, liable for the errors of the others, and, perhaps, in honour, if the matter was duly considered, for their debts. The Quarterly review assures its readers that it is "only by maintaining peace that they (the United States) have any *chance* of preventing their country from exhibiting the same scenes of *misery*, as are now displaying themselves in the *sister democracies* of Mexico, Peru, Columbia, and La Plata, (No. for November 1829.) The Review has, indeed, ventured on a very bold experiment. To the Article on Captain Hall's Travels, is appended a Letter purporting to come from the United States, of which the object is to prove the folly of attempting to remedy the grossest abuses in Government or the Laws. The writer is made, mysteriously, to say, "*nature* will sometimes effect changes, but *art* cannot," and he "honours" the Spaniard who "boasts" of the tranquillizing effects of the Inquisition. The whole, in short, is not merely a rebuke of those who achieved the American Revolution, but of all who were active in 1688, or even in bringing about the late measure of relief to the Catholics. It is introduced as confirmatory of a *hope* that Captain Hall's book may *do good* in America. Now, unfortunately for any such connexion, the whole object of his profound work is to prove that America never can be happy without a complete *change* in her form of government. Even dram-drinking, Captain Hall declares, must go on increasing, so long as we continue to be republicans. "The habit, according to my view of the matter, is interwoven in the very structure of that political society which the Americans not only de-

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fend, but uphold, as the very wisest that has ever been devised, or ever put in practice for the good of mankind," (vol. ii. p. 85.) So far, then, from inculcating the principle of *stare decisis*, Captain Hall assures us that even our vows of sobriety, for the time to come, will be utterly unavailing, unless we lay the axe to the root of the evil, and strike out all the more popular features of our Constitution—including, perhaps, the provision as to the Liberty of the Press. Doubtless his suggestion will have due weight with those who are endeavouring to discover a remedy for an evil which is now so severely scourging England, and which short-sighted people have attributed to a very different cause.

The Organ of the Party to which allusion has been made is, undoubtedly, the Quarterly Review; and Captain Hall cannot be ignorant of its influence with the class of persons into whose hands his book was likely to fall. In the number for January 1828, of that work, is an Essay on the subject of America, written by *some one connected with the English Admiralty*, and enjoying familiar access to its archives. It is in this article that the assertion is made, "We need hardly say there is not a Captain in the British Navy, who would not, in the event of a contest, be delighted to meet with the Pennsylvania while in command of the Caledonia." It is remarkable that *in this same article, a "wish" is expressed that the kindness shown to Captain Hall in the United States, might not have the effect of "causing our agreeable Captain to see things couleur de rose."* (No. for January, 1828, p. 261.) This was eighteen months before the appearance of the Travels, and we submit that it was hardly fair. Its tendency was in the first place to disincline Americans to extend to a traveller, *thus cautioned*, the kindness and the facilities for obtaining information which any other stranger would have enjoyed, lest the mere impulse of hospitality might be construed into a wish to purchase from the "agreeable Captain" golden opinions of themselves and their country. Nor would it seem to be less calculated to have an influence on the agreeable gentleman himself. The air of the several articles referred to, and of another of the same stamp, in the No. for January 1829, is altogether official and authoritative. Thus we are told, and the information is now for the first time given to the world, that the conflagration at Washington, "was in reality a measure of the Cabinet, and not of the Camp," (No. for March 1828, p. 513;) and in the more recent article referred to, it is said, "*with confidence as regards the Government*—with full conviction as far as regards the more intelligent part of the community, we can affirm," &c. &c. (No. for January 1829, p. 241.) Slight hints from such a quarter always mean rather more than meets the ear. It can require no great sagacity on the part of the officer to whom advice is thus addressed, to understand that his chance of conti-

nuing to merit the title of "agreeable," will depend not a little on his consenting to afford some degree of countenance to the tirades of his counsellor. Care, indeed, is taken in these Articles to give very clear warning of the treatment which an author must expect, who however accommodating his general temper may be, yet ventures, on any occasion, to express a sentiment inconsistent with the purposes of the critic. Thus the author of the "Narrative of the Campaigns at Washington, by the author of The Subaltern," though a landsman, and scarcely subject to Admiralty jurisdiction, and *speaking of what occurred before his own eyes*, is thus sharply rebuked for having the weakness to deplore the extent of mischief committed at Washington. "We are sorry that a writer possessed of our author's *sense and judgment*, should have *inconsiderately* joined in such an outcry as this. *He ought to have paused and reflected well*, ere he thus *ventured* to give additional currency to the disingenuous suppressions and exaggerations of our enemy, and to echo the unscrupulous flourishes of republican rhetoric." (Quart. Rev. for March, 1828, p. 512.)

Another example of denunciation could hardly fail to rest on the memory of Captain Hall, for his own *name* is introduced into it. Thus in the review of Faux's Travels, the following expressions occur, (vol. 29. p. 339:)—"From such a man, and with such objects in view, one practical page is worth all the *radical trash of the Halls, the Wrights, and the Tell Harris's*, in enabling us to form a just estimate," &c. The assault on Miss Wright is thus followed up: "Author of Views of Society and Manners in America. We flattered ourselves that nothing *so base and degenerate in the shape of an Englishwoman* could be found; but the sad reality has since appeared: a Miss Wright, an adopted daughter (as she says) of Jeremy Bentham, having prefixed her name to it." The Hall referred to is an Officer of the British Army, who published a volume of Travels in the United States which, though displaying all the feelings of an Englishman, did not indulge in that blind and indiscriminate abuse of the country which had been looked for. On this account it was condemned to be burnt by the hands of that common hangman of the Review, who does the articles on America.

But there was deep cunning in the hint given to Captain Hall. It showed him exactly the turn which would be given to any favourable representation he might make of the United States. He saw the ridicule prepared for him, as one whose palate, and whose vanity, had been tickled by good dinners and civil speeches. He saw in anticipation, "it will be remembered that eighteen months ago we took occasion to point out the danger to which our agreeable Captain was exposed, and really we cannot find it in our hearts to quarrel with the amiable weakness which has not been proof against the temptation to which we feared it

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would be unequal." What a mortifying reception this, compared with the full, earnest, unqualified burst of gratitude with which he has been greeted!

"If we may penetrate the *motives* of an author from his work, we should judge his *design* has been [to describe the United States?—No—but] to render sundry topics intelligible and popular which are not generally understood or *relished by the bulk of the people*, but to whom right views on these subjects are likely to be practically beneficial. He *evidently wishes to show* the advantages which flow from the distinctions of rank, &c. &c. We are quite sure his book *must do good* here. It may *furnish many well-disposed persons with arguments* by which to defend the blessings they enjoy; it may decide the wavering, *and confuse, if not silence,* the turbulent and the revolutionary, of whom, we suppose, no free country will ever be entirely devoid, though we certainly do not remember the period at which one heard less of them in England than at present."

One reflection is unavoidable. If Captain Hall's denunciations are deemed of such vital importance, it follows that a corresponding degree of mischief must have resulted from his speaking in favourable terms of the popular institutions of the United States. An object so important justified, perhaps, a language of caution to him, which seems, on its face, strangely illiberal. No one who reads the Article can well doubt its having been drawn up by a person conversant with the documents at Whitehall. It has, by some, been attributed to Mr. Croker, the Secretary of the Admiralty, and by others, to the Under Secretary. Captain Hall, however, knows better than we can pretend to inform him, who was his significant prompter.

But we are good naturedly disposed, instead of drawing harsh inferences of our own, to give the tourist an opportunity of speaking for himself. It is proposed, therefore, to follow his movements until we have reached a pretty decisive manifestation of his actual feelings towards the Republic.

He tells us, that his first impressions of that country were formed "two or three and twenty years ago," whilst a midshipman of the "Leander, flag-ship of the Halifax station." They were not of a favourable kind. "I confess I was not very well disposed to the Americans, a feeling shared with *all my companions* on board, and probably, also, with *most of my superiors.*" In order to understand how a midshipman on the Halifax station could pretend to form an opinion of the character of the people of the United States, it is necessary to gather from other quarters a history of the conduct of the British cruisers along our coast. In the London "New Monthly Magazine" for August 1829, a gentleman who had been in America many years ago, in the public service of Great Britain, and who has recently made another visit, thus describes their operations: "You will allow it admits of doubt, whether any coasting

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skipper, snugly in his birth, and his schooner at anchor, should think it very pleasant to be ordered on deck, in linen, at the dead hour of a cold night, by a voice such as is much affected by naval officers, particularly by that important class, the midshipmen, and before he had time to ascertain if the sound was not that of his vessel rubbing on the ground, to hear the rigging riddled by a platoon of marine musquetry. Nor was it calculated to obtain a good report amongst the Yankees to drag their ships to leeward, bows under, because they could not answer signals with quite as much alacrity as a high-in-order man-of-war, although it might be done with the kind intention of teaching them to be more adroit. Moreover it was not obviously very funny, in a frigate honestly cruising for prizes, when she happened to find herself short of junk, politely to take a slow American in tow, and having got her hawser on board, to draw it in till there was no more to pay out, and then order her to *cut* and be damned."

It is clear that the opinion which a British officer could form of the Americans, under such circumstances, must have been derived from the temper which they evinced in reference to so galling a species of annoyance. Doubtless, Midshipman Hall, and the other youngsters, his "companions," could not forbear to think how their own proud and haughty Island would have acted under similar provocation. Suppose a French, or American, frigate in the Thames or the Mersey, maltreating the "coasting skipper!" The Americans were probably regarded on board the Leander with a sort of sportive contempt. Yet an incident occurred which could hardly fail to inspire a graver feeling. By a shot from this very Leander poor Pearce was killed. The circumstance is thus noticed in the British Annual Register for 1806, p. 248: "The third ground of complaint on the part of the Americans was of infinitely less importance than the others, and their demand to have their maritime jurisdiction defined and respected was so just and reasonable, that no objection could be made to it. An unfortunate *accident*, in which an American seaman *happened to be killed* within *sight of New York*, by a shot from the British armed vessel, the Leander, had drawn attention to this subject, and rendered some regulations indispensable; but no difficulty could occur in settling a point which was *already settled by the law of nations*. The affair of the Leander having taken place during the elections at New York, great use was made of it by the federal party *to excite odium against the President*, and bring discredit upon his administration, on pretence that foreigners were *encouraged to commit* such outrages by their knowledge of the *weakness and timidity* of his government."

Such an incident could hardly fail to sober the levity which before prevailed; and if there be truth in the remark of Tacitus, that it is natural to hate those whom we have injured—

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"Proprium humani ingenii est odisse quam læseris,"

we can readily image that a sentiment of dislike might mingle with the unpleasant reminiscences of service on our coast. Yet Contempt must have sometimes struggled for the ascendancy when they recollected what would have been done if a British life had been lost by a shot from an American frigate into a Newcastle collier, within sight of London. Then, again, offence was probably taken at our asking that the Captain of the Leander should be tried, as he was, by a naval court-martial. He was acquitted, and we acquiesced. Next year our frigate Chesapeake was attacked by order of the Commander-in-chief of the Halifax station, which was then lying at anchor in Lynnhaven Bay. Many of her seamen were killed and wounded. We now roused ourselves up in earnest, and issued a very warm Proclamation. An apology was at length made; but Admiral Berkeley, the offending Officer, so far from being punished, was appointed to the Lisbon station, against the earnest remonstrances of our Minister in London, Mr. Pinckney. Then came the Orders in Council; but it was not until nine hundred and seventeen of our vessels, with their cargoes, had been engulfed in the British Prize Courts that our patience gave way. All this time, too, the practice of Impressment was going on from such American vessels as were spared to us.

Unquestionably, this sort of tameness must have had the effect very much to lower us in the estimation of a dashing young midshipman. Yet Captain Hall represents his temper as having nothing implacable about it. He was willing to forget and forgive. Time and distance did a great deal. "As the duties," he says, "of a varied service in after years, threw me *far from the source* at which these national antipathies had been imbibed; they appeared gradually to dissipate themselves in proportion as my acquaintance with other countries was extended, and I had learned to *think better of mankind in general.*" He had written books, and become a member of several learned societies, and thus a bland, philosophical spirit gradually soothed the asperity of the young reefer. He became amongst his late thoughtless "companions," a sort of Orator of the Human Race—a naval Anacharsis Cloots. He reasoned, unceasingly, with them about their prejudices. "I came to view with regret *the prevalence* in *others* of those *hostile sentiments* I had myself *relinquished.* My next anxiety naturally was to persuade others," &c. If the savages of Loo Choo were so amiable, why might not there be some good points about the Americans? Let them answer that plain question. These Yankees, he would say, are made (in a loose way) after God's image, and may have souls like yourselves. The zeal with which he devoted himself to the propagation of this new theory is amazing, when we consider that he was yet in the heyday of life, and was surrounded by all the temptations to frivolous amusements which beset the sailor on

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shore. At length these serious thoughts so exercised his mind, that he resolved on that great step which has made him known to us—his celebrated mission to the West.

It must be admitted, on all sides, that there was nothing narrow in his views. He wished to carry out, as well as to bring back, healing in his wings. But there was a difficulty. He represents the prejudice on this side of the Atlantic as strong and universal. It is a very remarkable circumstance that he does not pretend to have made a single convert in the whole course of his labours. No one's wrath was turned away by his soft words, and even his old companions, of the Leander, seem to have given his eloquence to the winds. Yet it was necessary to have some civil things to say to the Americans, and the object in view being a laudable one, he deemed it justifiable, for a *great* good, to stretch his conscience a *little*. He, accordingly, set himself to work, to frame a particular form of expression; and surely no Jesuit could have devised one better calculated to entrap, by seemingly magnificent promises, without in the least committing his own countrymen. He determined to represent to the Americans—

"That *the English were–willing*–to think–*Well*–of them–*If*–they could–*only see–just*–grounds for–a *Change*–of sentiment."

Now let it be asked, whether a British officer was very chary of his honour in holding out these promises? Who authorized Captain Hall to give any pledge on the subject, much less to the extent to which he proceeded? He left behind him in England, bitter, uncompromising, prejudice. He does not profess to have had the slightest authority, verbal or written, even from the sea-faring classes with whose sentiments he might be presumed to be best acquainted. And what right had he to suppose that they *would* quietly resign so cherished a portion of their ideas as these national "antipathies?" Captain Hall knows, as well as any body, that these gentlemen are the very persons, who, like Goldsmith's Croaker, are quite willing to listen to reason, *after* they have made up their minds, for "*then* it can do no harm." What! why, after a while they would have nothing left to damn but their own souls. Mark the cunning of the language prepared for the United States. Fair as the promise is to the ear when rapidly uttered, it vanishes when you do not slur the *If*, and the concluding words. It binds nobody. Should the Americans come into any arrangement with him as to an armistice, and agree to lay down *their* prejudices, he might laugh in their faces the next moment. The Treaty would be so much waste paper without the assent of all the individuals of the British Empire, including the vast body of naval officers, marines, seamen, ordinary seamen, and boys, scattered all over the world the Lord knows where. Yet into this sort of one-sided compact was Captain Hall's language artfully intended to lead; and a plain-

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spoken seaman, who was not put on his guard, would really take it for granted that he had a regular Power of Attorney.

It is, now, our serious business to watch closely the movements, language, and even looks of a Witness, who finally comes forward to establish the enmity of the two nations, and who, perpetually, attempts to fortify his testimony by asseverations of candour and fairness.

In six weeks after landing at New York, Captain Hall found himself in Canada. It is proper to notice, here, the inaccuracy of the Quarterly Review, in stating, (November 1829, p. 420,) that he "*first* visited the *Northern and Eastern States*, then passed into Canada." This is not so. Captain Hall proceeded up the Hudson in a steam boat to Albany, and travelled thence to Niagara, never quitting the direct route through the State of New York, except that, from Albany, he went thirty-eight miles to a small, secluded town, in the western part of Massachusetts. Before we permit him to cross into Canada, let us interrogate him as to the materials which he had collected for forming an opinion of the United States. And to begin, as Bacon would advise, by negatives. He had *not* witnessed the proceedings of Congress; he had *not* been present at a meeting of a State legislature. These he, subsequently, represents as the scenes whence his reflections were principally drawn, and as having decided his opinions as to the practical working and tendency of our system of government. He had *not* seen a Slave. In short, he had encountered none of those circumstances which he would fain make us believe, gradually, threw a cloud over his fair anticipations. On the other hand, on quitting New York, he says, it was difficult to "disentangle ourselves from the fascinations of the great city." He had been no less delighted with "the kind friends" he met there, than with the institutions of every description of these "energetic people," and with the "hospitable and liberal style," which universally prevailed. The endearing recollection, too, of that "glorious breakfast," which he declares shall brave, these thousand years, the battle and the breeze, was then but a month old—a little month. On the bosom of the Hudson, he missed nothing but Primogeniture. He visited the Penitentiaries; and the great New York Canal could not fail to make a suitable impression on him. Other scenes which he witnessed are thus described:

"As the windings of the Canal brought us in sight of fresh vistas, new cultivation, new villages, new bridges, new aqueducts, rose at every moment, mingled up with scattered dwellings, mills, churches, *all span new*. The scene looked really one of enchantment."

"On the 19th of June, we reached Syracuse, through the very centre of which the Erie Canal passes. During the drive, we had opportunities of seeing the land in various stages of its

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progress, from the dense, black, tangled, native, forest, up to the highest stages of cultivation, with wheat and barley waving over it; or from that melancholy, and very hopeless looking state of things, when the trees are laid prostrate upon the earth, one upon top of another, and a miserable log-hut is the only symptom of man's residence, to such gay and thriving places as Syracuse, with fine broad streets, large and commodious houses, gay shops, and stage coaches, wagons, and gigs, flying past, all in a bustle. In the centre of the village, we could see from our windows the canal thickly covered with freight boats and packets, glancing silently past, and shooting like arrows through the bridges, some of which were stone, and some of painted wood."

"Every now and then, we came to villages, consisting of several hundred houses; and in the middle, I observed there were always several Churches."

"The village of Utica, stands a step higher in this progressive scale of civilization; for it has several Church Spires rising over it, and at no great distance an institution, called Hamilton College, intended, I was told, for the higher branches of science. We also visited Syracuse, a village with extensive salt-works close to it: and had numerous opportunities of examining the Erie Canal, and the great high-road to Buffalo; so that what with towns and cities, Indians, forests, cleared and cultivated lands, girdled trees, log-houses, painted churches, villas, canals, and manufactories, and hundreds of thousands of human beings, starting into life, all within the ken of one day's rapid journey, there was plenty of stuff for the imagination to work upon."

"Often, too, without much warning, we came in sight of busy villages, ornamented with tall white spires, topping above towers, in which the taste of the villagers had placed green Venitian blinds; and, at the summit of all, handsome gilt weather-cocks glittering and crowing, as it seemed, in triumph over the poor forest."

"Our next halt was at the end of an extremely pretty lake, not quite so large as the two last we had visited, but still an extensive piece of water. This lake, and the village which stands at the northern extremity, are called Canandaigua. I may remark, that the term village, conveys a different idea to us from what it does to an American. The word town would seem more appropriate, as these villages are not composed of cottages clustered together, but of fine houses, divided by wide streets, and embellished by groves of trees and flower gardens. At certain corners of all these villages, or towns, blacksmiths, coopers, and other artisans are to be found; but, generally speaking, the houses at Canandaigua, for instance, have more the appearance of separate country houses, than of mere component parts of a village. In the centre there is always left an open space or market place, with showy hotels on one side; the court-house

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on the other; and perhaps a Church, and a Meeting-House, to complete the Square."

"Canandaigua lies nearly in the centre of Ontario county, a large tract of which was purchased many years ago, I believe in 1790, by some English gentlemen, who paid about five cents an acre for it, or about two pence halfpenny. Great part of it has since been sold at prices varying from one and two dollars, to ten, and even twenty dollars."

"In the meantime, we had abundant ocular demonstration of the respect paid to the subject of Religion; for scarcely a single village, however small, was without a Church."

"On the 26th of June, 1827, we strolled through the village of Rochester, under the guidance of a most obliging and intelligent friend, a native of this part of the country. Every thing in this bustling place appeared to be in motion. The very streets seemed to be starting up of their own accord, ready made, and looking as fresh and new, as if they had been turned out of the workmen's hands but an hour before; or that a great boxful of new houses had been sent by steam from New York, and tumbled out on the half-cleared land. The canal banks were at some places still unturfed: the lime seemed hardly dry in the masonry of the aqueduct, in the bridges, in the numberless great sawmills and manufactories. In many of these buildings, the people were at work below stairs, while at top the carpenters were busy nailing on the planks of the roof."

"Some dwellings were half painted, while the foundations of others, within five yards distance, were only beginning. I cannot say how many churches, court-houses, jails, and hotels, I counted, all in motion, creeping upwards. Several streets were nearly finished, but had not yet received their names; and many others were in the reverse predicament, being named, but not commenced, their local habitations being merely signified by lines of stakes. Here and there we saw great warehouses, without window sashes, but half filled with goods, and furnished with hoisting cranes, ready to fish up the huge pyramids of flour barrels, bales, and boxes lying in the streets. In the centre of the town, the spire of a Presbyterian Church rose to a great height, and, on each side of the supporting tower, was to be seen the dial plate of a clock, of which the machinery, in the hurry-skurry, had been left at New York. I need not say, that these half-finished, whole finished, and embryo streets were crowded with people, carts, stages, cattle, pigs, far beyond the reach of numbers; and as all these were lifting up their voices together, in keeping with the clatter of hammers, the ringing of axes, and the cracking of machinery, there was a fine concert, I assure you!"

"But it struck us, that the interest of the town, for it seems idle to call it a village, was subordinate to that of the suburbs.

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A few years ago, the whole of that part of the country was covered with a dark, silent forest, and even as it was, we could not proceed a mile in any direction, except that of the high road, without coming full-butt against the woods of time immemorial."

"*Lockport*, is celebrated over the United States as the site of a double set of canal locks, admirably executed, side by side, five in each, one for boats going up, the other for those coming down the canal. The original level of the rocky table land about Lockport is somewhat, though not much, higher than the surface of Lake Erie, from which it is distant, by the line of the canal, about thirty miles. In order to obtain the advantage of having such an inexhaustible reservoir as Lake Erie for a feeder to the canal, it became necessary to cut down the top of the ridge on which Lockport stands, to bring the canal level somewhat below that of the lake. For this purpose, a magnificent excavation, called the Deep Cutting, several miles in length, with an average depth of twenty-five feet, was made through a compact, horizontal limestone stratum, a work of great expense and labour, and highly creditable to all parties concerned."

"The Erie Canal is 363 miles in length, 40 feet wide at the surface, 28 at bottom, and four feet deep. There are 83 locks of masonry, each 90 feet long, by 15 wide. The elevation of Lake Erie above the Hudson, at Albany, is about 555 feet; but the lockage up and down on the whole voyage is 662 feet."

Yet, amidst all these scenes, the only reflection which escapes from Captain Hall is a denunciation of the "blighting tempest of democracy," for having done away with *Primogeniture* and *Entails*. At this early period, too, he detects "a wish, when asking for information, to prove my original and prejudiced conceptions right, [forgetting, we presume, his efforts, in England, to "persuade others," to abandon prejudices "I had myself relinquished,"] rather than to discover that I had previously done the people injustice." He here introduces, also, a sort of elegy on a dead tree, evidently for the mere purpose of venting his spleen at what he deems the heartlessness of *Improvement*.

"An American settler *can hardly conceive the horror* with which a foreigner beholds such numbers of magnificent trees standing round him, *with their throats* cut, the very *Banquos of the murdered forest*. The process of girdling is this:—a circular cut or ring, two or three inches deep, is made with an axe quite round the tree, at about five feet from the ground. This, of course, *puts an end to vegetable life;* and the destruction of the tree *being accelerated by the action of fire*, these *wretched* trunks in a year or two, present the most *miserable objects of decrepitude* that can be conceived. The purpose, however, of the farmer is gained, *and that is all he can be expected to look to.* His corn crop is no longer overshaded by

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the leaves of these *unhappy* trees, which, *in process of time*, are cut down *and split into railings, or sawed into billets of firewood*, and *their misery is at an end.*"

Surely, however natural, and even laudable, it may be to cultivate an almost superstitious reverence for large trees in Scotland, where their scarcity induced Dr. Johnson to despair of recovering "so valuable a piece of timber," as his lost cudgel, yet Captain Hall ought to have gone to America better prepared to command his feelings. Even in England, Gray,—the most sensitive of poets,—thought this "cutting of throats," a not unpleasing rural image.

"How bowed the woods, beneath their sturdy stroke."

Viewing the above as a specimen of the tourist's more ambitious style,—on which he has evidently put forth his whole strength,—we may remark, that it falls far short of the celebrated passage which he evidently had in his eye when penning it. The transition is too abrupt from the cutting down to the termination of the misery, without noticing the intermediate stages of pain and degradation. Swift has managed the matter much better and deduced a fine moral lesson.

"This single stick which you now behold ingloriously lying in that neglected corner, I once knew in a flourishing state in a forest; it was full of sap, full of leaves, and full of boughs, but now, &c.," "*at length* worn to the stumps in the service of the maids, it is either thrown out of doors, or condemned to the *last* one of kindling a fire. When I beheld this, I sighed, and said within myself, *surely man is a broomstick.* Nature sent him into the world strong and lusty, in a thriving condition, wearing his own hair on his head, the proper branches of this reasoning vegetable, until the axe of intemperance, &c." (Meditations on a Broomstick.)

But Captain Hall begins to snuff the air of Canada, and cannot be longer detained. "We found ourselves once more in his Majesty's dominions, after having passed *six weeks* in the United States." His joy is tumultuous. "The air we breathed seemed different—the sky, the land, the whole scenery appeared to be altered." It is impossible to avoid some misgivings at the burst of delight with which he thus hails his escape. It seems to be of evil omen as to the feeling with which we may expect him to re-enter the close air of the republic.

At Niagara, he expresses, in terms adequately inflated, his admiration of the Falls. We feel more interested, and alarmed, at his very minute advice to the proprietor of Goat Island, which almost impends terrifically over the cataract, viz.—"To make a *gravel walk* all round the island, broad enough for *three* persons to walk abreast; to open *little* paths in the direction of the *best* situations for seeing the Falls, and having put down half-a-

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dozen *commodious* seats at the *said* points, to leave all the rest to the choice of the *worthy* tourists themselves." (Vol. i. p. 192.) Should the proprietor ever *fill* one item of this upholstering order, we sincerely hope that he may be thrown over the cataract by an indignant community. Doubtless Captain Hall would make these "commodious" seats out of the great fallen black oak!

He witnessed, also, the operations at the proposed Welland Canal, and finding "all the locks constructed of wood," remarks, "It always struck me that the locks on the Erie or New York Canal, might have been advantageously made, in like manner, of timber." Much caution, we fear, is necessary in listening to our tourist's advice, whether it relate to primogeniture, entails, or wooden locks. Mr. M'Taggart, civil engineer, inspected these works three months before Captain Hall was there, and in his recent work, remarks, (vol. ii. p. 162,) "This report was not very well received by the shareholders, but they were quite unable to deny any of its statements, *they would work away as they had done*, regardless of my remarks, and had the felicity of observing some of their *wooden locks* float down before the freshets, *like large bird cages*, into Lake Ontario."

On the 16th July, 1827, they left the Falls, and proceeded by land through Canada, as far as Kingston on the St. Lawrence. The equipage is thus described:—"*For want of a better conveyance* we were obliged to travel in a vehicle, dignified by the name of a wagon, but which, in fact, was neither more nor less than a good, honest, rattling, open cart." On the third day, "the axletree gave way, and down we came on our broadside. A dwelling was near at hand, but upon trying the doors they were found all locked." He adds, pathetically, "There we were left in the middle of a Canadian forest, at night-fall, surrounded by swamps, sonorous with innumerable bull frogs, and by an atmosphere clogged with noxious vapours, and clouded with moschetoes." At length they got "again in motion, though in a still less magnificent conveyance, literally a common two-wheeled farm-cart, with nothing but a bunch of straw to break the violence of the jolts." He speaks thus of the road from Credit River to York:—"Being formed of the trunks of trees, laid cross ways, without any coating of earth or stones, it was more abominably jolty than any thing a European imagination can conceive. Over these horrible wooden causeways, technically called corduroy roads, it would be misery to travel in any description of carriage; but in a wagon or cart, with nothing but wooden springs, it is most trying to every joint in one's body." In the ox-cart, and over such roads, they entered York the capital of Upper Canada. As they left this place next morning, the 19th, we presume that after the joltings of the corduroy roads, beside a "minute" examination of an Indian village,

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through which they had passed, they could have had little time or spirits for a survey of the Capital. We are constrained, therefore, from the Captain's total silence, to pause for a moment in order to introduce to the reader information from another quarter, which will be deemed, at least, equally trustworthy; viz. Mr. Talbot's "Five Years' Residence in Canada," published in London in 1824, a work to which we shall again have occasion to refer. He will scarcely be excepted to on the ground of any hostile political bias, for he informs us that he chose Canada as a residence in preference to the United States, because he was unwilling to "become a subject of a country avowedly hostile to that in which his family had for many centuries flourished in the sunshine of British protection—to separate himself for ever from British institutions, and British laws, and to be compelled to teach his little children the political creed of a republic, for which he could himself, never feel a sentiment of attachment;" and he professes to be well satisfied with his selection. This gentleman states the number of souls in York to be 1336, and adds, "He who first fixed upon this spot as the site of the capital of Upper Canada, whatever predilection he may have had for the roaring of frogs, or for the effluvia arising from stagnated waters and putrid vegetables, can certainly have had no very great regard for preserving the lives of his Majesty's subjects."

On the 19th, they visited a place called Holland's Landing, "to witness the annual distribution of presents, as they are called, made by Government to the Indians." Here they stayed all night, and the Captain, though we cannot divine his motive, seems to have inventoried the furniture of the house in which he slept with all that minuteness which would be so commendable had he been seizing it, as a sworn officer, under a landlord's warrant. There was, in brief, "plenty" of it; it was "comfortable" and "handsome," and "chiefly of the bird's-eye maple." The house may be recognised hereafter, by any future traveller, as "a most agreeable" one, and as being "surrounded by a large flower garden, intersected in all directions by well-shaded gravel and turf walks." His next sentence "spindles into longitude immense," well corresponding with its excursive character, for its object is to state that from one of the apartments, "a single step placed us in a verandah, as wide as the room itself, bounded in front, and at both ends by trellis-work, so thickly twined with hop vines, that the *sun*, and that *still more troublesome intruder*, the blazing glare of a red hot sky, had no chance for admission, while the breeze from the garden easily made its way, *perfumed and tempered like the sultry winds of Hindostan, after passing those ingenious, artificial mattings, called tatties, formed of sweet scented grass, and suspended dripping wet before the doors and windows, during the heat of the day, in the hotter parts of India.*" On the 20th, we presume they made out to get back to

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York, as on the 21st, they start thence for Kingston. On quitting the Capital they were disposed to laugh at the awful accounts given of the roads, "supposing that the previous journey between the Credit River and York, had broken us in for any high-ways and by-ways we were likely to encounter again. In process of travelling, however, as the daylight faded, our hopes subsided. The clear and airy country was exchanged for close, choky woods; the horrible corduroy roads again made their appearance in a more formidable shape, by the addition of deep, inky holes, which almost swallowed up, &c." "I shall not compare this evening's drive to trotting up or down a pair of stairs, for in that case there would be some kind of regularity in the development of the bumps, but with us there was no warning—no pause." Nor were their perils merely those by land, on this first day's journey from the Capital. "On reaching the spot *where a bridge once stood, but stood no longer*, we observed a little boy paddling in a canoe." With the aid of the boy they got over, "one at a time," and "the horse was towed across secundum artem, by the nose—an operation of some delicacy, both to actors and spectators." The carriage was dragged across; "but the united strength of all the party, males and females, old and young, combined, could not budge it more than a foot out of the water." At length, by an ingenious contrivance, it was drawn "triumphantly to land." But the effort had exhausted them. "We reached our sleeping place *fatigued to the last gasp.*" Next day, 22nd July, they arrived at Coburg, distant "forty-three miles, in thirteen hours, of as rough travelling as ever was performed by wheeled carriage." On the way they fell in with a field preacher, "a tall, sallow, anxious-looking man, of the Methodist persuasion, as we were informed, dressed in a loose surtout coat, of a purple colour, with a yellow silk handkerchief tied round his head." Captain Hall remarks, "*In those wild regions, where no towns, and not many villages* are yet to be found, places of regular worship are necessarily 'few and far between,' and these itinerant preachers, *in spite of some occasional extravagancies*, must, *upon the whole*, do good." He speaks of "that large class of persons in the country through which we were travelling, many of whom, but for such *occasions* as these, *would otherwise be left altogether without public worship.* For we can easily believe that in the midst of the woods, where the population are employed all the week long at hard labour, and the neighbourhood is but scantily settled, *there can be very little or none of that example, or that public opinion*, which are found so efficacious elsewhere to encourage *good morals*, and to check *bad habits.* Under such circumstances there will, almost of necessity, be *little attention paid* to these duties, which *ought* to be paramount to all others, but which often require, unfortunately, most encouragement and assistance, where the means of lending such aids

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are smallest. Every thing, therefore, which stimulates people to come together expressly for such a purpose—*no matter how absurd the manner may sometimes be* in which the service is conducted—*must* prove beneficial."

Mr. Talbot, also, laments this state of things, and gives "a few practical illustrations of Canadian morality, and of the proximate causes of the *grossness of manners*, and of the *semi-barbarism*, which are much too prevalent." Mr. Huskisson, whilst Colonial Secretary, remarked, in the House of Commons, as to the inattention to *Education* in Canada. "This is a subject never thought of. In point of fact, the state of things is such, that the settlers feel more disposed to connect themselves with those districts which border on the United States, where they can better have their *wants of this description* supplied, and receive the benefits of the *administration of justice*, than to remain in the country to which *they owe allegiance.*" (Debate of 1828.)

On the 23d July, 1827, they proceeded to visit the Settlement, formed by the Irish Emigrants, sent to Canada, by the British Government, in 1825. The distance, thirty miles, was got over in sixteen hours and a half, and they reached the newly erected village of Peterborough, "more dead than alive with fatigue." His ever active mind this day suggests a valuable idea on the subject of harness. "When we had got half way, the wagon broke down; but fortunately it was in our power to repair the mischief, by knotting a couple of silk handkerchiefs together, which, by the by, on such occasions, make a very good rope." He dwells much on the settlement, and considers the experiment to have proved very successful. "There were 2024 settlers sent by Government, in 1825, at the total cost of 24*l.* 5*s.* 4*d.*, *per head*, each family being supplied with provisions for fifteen months, and a hundred acres of land, besides a cow, and other minor aids." His information was derived from the Officers of the Establishment, from the owners of property in the neighbourhood, and from some of the emigrants. A conversation with one of the last is sufficiently characteristic. "The Agent *happened one day to meet* an old man in the village, and knowing him to be *a shrewd person*, and well-informed upon all that had passed, he thought his conversation might *serve my purposes.* He, therefore, said to the emigrant, that a gentleman had arrived, who wished to put some questions to him. The old boy immediately took alarm, lest, as he said, the gentleman had come to interfere with his property, or to bother him in some way he did know what. '*What shall I say to the gentleman, sir?*' was his first question. 'Why, Cornelius,' said the Agent, 'tell the truth.' 'Oh! yes, sir, I know that very well, of course, we must always tell the truth, but *if I only knew what the gentleman wanted*, I would *know which way*

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to answer.' 'I don't know what you mean, Cornelius,' said the Agent. 'Oh! sir, *you know quite well what I mean.* Should I *overstate* matters, sir, or should I *understate* them? *Shall I make things appear better or worse than they are?*'" It is amusing to note how soon this shrewd old Irishman fathomed our Captain. The latter had just spoken before of its being "a principal object," that the emigrants should "turn out loyal and grateful subjects of their king." He is not a moment in conversation with the old man, before Cornelius breaks out, "Oh! yes! to be sure I am! we owe every thing in the world to the Government—that is, to the king, his majesty, long life to him!" Another of these "odd fellows," caught, in a moment, at the Captain's foible, as a Scotchman,—his admiration of large trees. "I stood for some time admiring it, and thinking what a pity it was that such a glorious tree should be felled to the earth, and still more, that it should be afterwards chopped up and burnt along with vulgar pine logs." He entreats the owner to spare it. "Very well, sir! very well! it shall be yours from this moment; and if you will give me leave it shall *bear your name!* and *a fence shall be put round it!* and while I have breath in my body there it shall stand, you may be sure, and even after me, if my children will respect their father's wishes. *Do you hear that, boys?*" The Captain complacently adds, "I have since received a letter from *a friend in that quarter of the world*, in which the following passage occurs: "I have been over to see the good folks at Peterborough and Douro, since you left us. Your visit there with Mrs. Hall, is held in the most pleasing recollection; and Welsh, the Irish emigrant, vows eternal vengeance against any one that shall dare to do the least injury to *Captain Hall's oak!*"

Surely the savages of Loo Choo deserve little credit for having quizzed our tourist so egregiously as it seems to be now admitted they did.

Human felicity is, at best, imperfect. Thus, it leaks out with regard to these Settlers: "*if* there had been *any thing* injudicious, it consisted in giving people, accustomed to very scanty fare, too ample an allowance of food. This *over indulgence*, not only *hurt the health* of the people, but tended in some degree to *slacken* the individual exertions of the settlers to *maintain themselves.*" One of Captain Hall's correspondents says, (vol. i. p. 335,) "From observation, I think the Government did too much for those already out, and still the committee propose to do too much for any that may be sent out; *they are not left to find resource from their own industry and energy.* While the rations last, many of the emigrants make little exertion, and *dispose of food* they have not been used to, such as pork, *for whiskey*, thereby injuring their constitutions and morals, and fixing for a time habits of idleness." Another speak-

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ing of the Irish, generally, remarks, "Douro settlers are, at present, all Irish, and though doing very well, yet from their former indolent habits they have not exerted themselves as much as they might, being addicted to taking a little too much whiskey, and, by doing so, lose a great deal of time. A thousand arguments might be produced in favour of mixing English and Scots settlers, with the Irish here, not so much for their mode of farming, as from the good example they would give of sobriety, regularity, morality, and steadiness; not fond of *visiting, card-playing, carousing, or party spirit* Great benefits would arise from a number of Scots emigrants being introduced amongst the Irish. They are proverbial for good conduct," &c.

The benefits conferred by this Settlement upon the "gentlemen in the neighbourhood," on whose testimony Captain Hall greatly relies, may be judged of by a passage in a letter from one of them, (vol. i. p. 319,) in which he declares, that he was about to abandon the neighbourhood, when "Mr. P. Robinson came to my house, and mentioned to me his intention of bringing up the emigrants, to these back townships. At once we gave up every idea of removing, *the clouds dispersed, all our difficulties seemed to be over.*" The account which the same person gives of his previous troubles is sufficiently pitiable. Some kind friends had, it seems, prepared the "new abode" of himself and family, in the woods, but "there was no partition put up; even on the floors, the boards were scarcely sufficient to prevent the children's feet from going through. When we set about to prepare our beds we found the floor covered above an inch thick with ice, of which we removed as much as we could with axes and spades, and then put a layer of chips and shavings, upon which we spread our mattresses and blankets; then, having hung up some blankets at the doors, and also for partitions, we lay down to rest, being pretty well fatigued; and, upon looking upwards from our beds, we saw the sky through the roof, and have often during the time we lay in that manner, amused ourselves watching the stars passing, and others reappearing." The snow, at this period of star-gazing, was, he asserts, "nearly knee deep." He was on the point of being burnt out in consequence of the fashion of building chimneys with cross sticks, plastered with clay; "but this had been built in severe frost, so that the clay did not adhere. and the sticks caught fire." For food, they "were glad to gather any wild plants which we were told could be safely used as greens." "We have often used tea made of the young shoots of the hemlock pine." "I have gone out with my ox-team, and a man to *forage*, (vol. i. p. 317,) and after travelling an entire day, returned with a couple of sheep that had not a pound of fat upon them, a little pork, and a few fowls, and when crossing the river just near my house, have been near losing the whole cargo, by the strong current."

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"My wife was confined, and I had to send fifteen miles for a *nurse-tender*, who reached us with much difficulty, as she was obliged to walk through woods where no road had ever been cut, and to be *carried* sometimes across swamps, and *lifted* over large logs." No wonder the poor man was rejoiced, when Mr. Peter Robinson came at last to deliver the whole family.

We are very far from wishing to go into the history of this Irish Settlement as disclosed in the Parliamentary Documents. Our object has, merely, been to exhibit Captain Hall's powers in the weighing of testimony, and the eagerness with which he listened to clamorous professions of "loyalty," on the part of those, who, from his own showing, were ready to go into the other extreme, had they discovered a wish that matters should be "understated." The interest of the Agent and the other Officers, who have charge of these out-pensioners of Great Britain, in representing the project as successful, and as claiming the farther countenance of the Government, is obvious. The Settler to whom the Agent referred Captain Hall for information made rather an Irish blunder, it is true; but what do we understand by his telling that officer to his face, that he "knew very well," what was meant by asking for a cue as to overstating or understating? We need not, surely, remark on the motives of the people in the neighbourhood for wishing to keep up an establishment, which not only had brought settlers amongst them, and caused an enormous disbursement of public money, but whose continuance led every day to an increase of these comfortable incidents. Yet on such testimony, our tourist makes this flourishing assertion, "The *universal* satisfaction expressed by these people is creditable to the Statesman, I believe Mr. Wilmot Horton, who devised the experiment, to Mr. Peter Robinson, by whose skill and patience it was carried through its many difficulties, and, also, to the good sense, moderation, and industry of the poor emigrants themselves."

Captain Hall's opportunities of forming an opinion may be judged of from the length of his stay,—a fact, by the way, which it requires us to look very closely into his book to ascertain. If, indeed, we could believe him capable of a paltry artifice, there would seem an anxiety that this fact should *not* be readily discoverable. He abandons, suddenly, the form of journalizing, and the day of the month disappears for sixty pages. He says, "I went *during my stay* as much as possible amongst the settlers, *frequently* alone, *sometimes* with the agent, and *several times* with the clergyman. I had, also, many opportunities of conversing with gentlemen, &c." In speaking of his conversation with "Cornelius," he prefaces it by saying, (p. 286, vol. i.) The Agent *happened one day* to meet an old man in the village, and knowing him to be a shrewd person," &c. *Farther on*, (p. 290,) he says, "On the 24th of July, I took a

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long ride," &c. Now it would scarcely occur to the reader after what had gone before, unless he watched narrowly, that this very 24th July, was in fact, the *only* day that the Captain had an opportunity of seeing the Settlement. Yet such is the fact. He reaches the place on the night of the 23rd, "more dead than alive," (p. 280–281. On the 24th, he takes a long ride, (p. 290.) . On the next day, 25th, he "*intended* to have resumed these researches, but, it rained so violently, that we were confined most of the morning within doors. About noon it cleared up: but the paths cut by the settlers through the forest, were now mostly *covered with water*, and rendered so slippery and clammy, that *walking was scarcely possible.* Every bough that was touched, sent down such a shower of drops that I got soundly ducked, before reaching a shanty in the thicket, where I found a hardy fellow," &c. This hardy fellow is the one on whose premises "Captain Hall's oak" stands, and it is apparent, that his examination was not farther pursued, but that he returned to guard against the consequences of his sound ducking. Then occurs a long and deceiving space filled with letters, &c. until we reach p. 347. He arrived at Kingston on the 28th, (p. 349.) His intermediate movements are thus traced. It had occupied the whole of the 23d, starting early and arriving late, to reach the settlement from Coburg. The return journey must have been on the 26th, and it took at least as much time; for the vehicle broke down twice, (p. 347,) and they had to walk six miles, (ib.) "In the course of the next morning," 27th, (ib.) they meet with a disaster whilst travelling by land. At the Bay of Quinté, they took the water, and on the 28th, reached Kingston, (p. 349.)

Thus, as we have said, Captain Hall enjoyed but a single day's observation, and yet a cursory reader could hardly fail to be misled by the confusing circumstances to which we have referred, and, in particular, by the leisurely lounging way, in which he speaks of meeting, "one day," a very shrewd settler. The question then, becomes one of *Hours.* We must bear in mind that the Captain is a very late riser (vol. i. p. 399;) he has no idea of getting up with "the stupid cocks who have nothing else to do but crow." (ib.)

He must take his breakfast before starting, (p. 400,) and that meal with him is a "long desultory sort of" one (p. 401.) After breakfast he must be allowed time to "think of shaving" (ib.) before he can make up his mind to that important operation. He defends his system on Epicurean principles, and is of opinion that "We leisurely travellers, who *despise and abhor the idea of getting over the stage before breakfast,* in the end to do just as much as your early stirring folks; with this difference, that we make the journey a pleasure—they, a toil." (p. 399.) It must be recollected, also, that he had reached the Irish settlement, the night before, "more dead than alive with fatigue,"(p. 281)—an apology for even unusual indulgence. Sup-

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posing. however, our Captain fairly in the field on the 24th, a great deal of time is to be deducted before we can arrive at any thing like a true estimate of the portion of it devoted to the Irish settlers. Thus, on the same day, he visited "several older establishments,"(p. 290,) at one of which he found "an old Scotchman, from Banff, with a jolly red nose, in shape and colour like the sweet potatoe of that country, a prosing old body, who brightened up, however, amazingly, when I told him where I came from, and I had much ado to escape a sound dose of whiskey which he wished to force upon me for countryman's sake." He went, also, to Smith's Town, "an establishment of emigrants of nine years' standing." If we subtract, farther, the necessary time for meals, from which Captain Hall will not be drawn for love or money, we may be able to judge of the opportunity he enjoyed of forming an opinion with regard to a Settlement of Two Thousand and Twenty-Four persons "scattered over an extensive district of country." (p. 285.)

Judging of this Settlement from other sources of information, we are led to believe the Captain's impressions to be as erroneous as they were hastily formed. Mr. Southey, in his recent Colloquies, after referring minutely to the Parliamentary Documents, considers it to have "failed as to its primary purpose," and in reference to the numbers who have "availed themselves of the assistance of the parishes, or of the State, only for the sake of a passage, at the public expense, to this promised land," (the United States,) he adds, "I do not see how any such consideration should affect the policy of the government with regard to what is deemed its surplus population, unless it were by directing its emigrants rather to South Africa and Australia, than to its North American possessions." Captain Hall himself, in returning from Canada to the United States, says, peevishly, that there was on board the Steam-boat, "a large party of Irish emigrants, who. *for reasons best known to themselves*, had not *chosen* to *settle* in Canada, but to *wander* farther south in quest of fortune."

In a yet more recent work, ("Three Years in Canada, by John M'Taggart, Civil Engineer," (vol. ii. p. 248,) we find the following remarks:—"Let some plan, therefore, be found to keep these people in bread at home; and I think it is possible to find out one. Perhaps I may be considered too severe on this subject, and were I not speaking from practical experience the accuracy of my statements might be doubted. The Irish landholder and the philanthropist are also its advocates; the first, because it tends to rid his unfortunate country of a portion of its misery; the second, for the same reason, with this addition; that while it weeds misery out of Ireland, it does not plant it in Canada—which is not the fact, for it does plant it there, and in a more melancholy point of view."

Nothing remarkable happened to the Captain on his passage

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from the Irish settlement to Kingston, except that the lives of his party were saved on one occasion by "the skill and promptitude" of an American ("Jonathan,") who arrested the vehicle when in a predicament that "had nearly proved fatal."

At Kingston he took up his quarters in the Dock-yard, and "did scarcely any thing else but eat, drink, and sleep, till the 30th of July." He then returned, by water, to Niagara, and reached Kingston again, by the same mode of Conveyance, on the 3d of August, and, after making an excursion across the Lake to the American shore, embarked in a batteau to descend the St. Lawrence. He reached Brockville next day, and attended a public dinner, and made a Speech, and, thanks to the vanity of the orator, he has not been able to resist the temptation of inserting it. This precious piece of eloquence not only discloses the temper which he really cherished towards the United States, but answers, incidentally, another purpose. He is very anxious to impress on us, the idea that he is one of your blunt, plain-spoken, people, who are under a sort of constitutional inability to despise their offensive sentiments,—one who, though a sailor, "would not flatter Neptune for his trident." We have seen what had fallen under his observation in Canada. We recollect his regret that there was "little or none of that example, or that public opinion which are found so efficacious, elsewhere, to encourage good morals and check bad habits." The only religious worship he witnessed was in the woods, where he heard a field preacher, whose clerical garb was "a loose surtout coat, of a purple colour, with a yellow silk handkerchief tied round his head," and he hopes, in the absence of any thing better, that the exhortations of even these "itinerant preachers must do good in spite of some occasional extravagancies." We proceed to the Speech.

Its leading and anxious object is to deride the notion of "Independence," as inconsistent with the mutual aid and support which are involved in our relations political, social, and domestic: "For my part I consider that no thoroughly independent man is *worth a fig.*" There was something striking in this exordium, and the orator says, complacently, "Here *My Speech* was interrupted by an ambiguous sort of laugh, and I could see a *puzzled expression* playing on the countenances of many of my audience."

After speaking of the ruinous consequences to himself, if he should foolishly "take it into his head, like Tom Thumb, to swear he would be *a Rebel*, and decline his Majesty's farther employment," he remarks, "I fear you might say I meant to be personal, if I were to make out any analogy between the absurd looking case I have just put, and that of England and the Canadas. But *as there is a more apposite illustration near at hand*, I shall say no more than beg you will *study it for your edification.*" He proceeds, "It has been my good fortune to

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visit many countries, and to see governments of all known denominations, and all ages; from that of China, which has existed as it stands for some thousands of years, to that of Peru, of which I witnessed the very birth,—and a queer looking political baby it was! It has also fallen in my way to see *another description of infant*, which, as you well know, was of age on the day it was born, but *whether it has grown older or younger, stronger or weaker, by time, I leave you to judge.* Amongst all these different countries I have seen very few which unite so many advantages as Canada, where the soil, the climate, and what is vastly more valuable, the public Government, and *the tone of private manners*[!] are so well calculated to advance the happiness of mankind. You are not yet so *unfortunate as to be independent of England*, in the ordinary acceptation of the term—neither is she of you; but you are *much better off.*"

We would ask if there can be discovered, in all this, the slightest reference to that great purpose for which Captain Hall represents himself to have undertaken this Tour? He has remarked, (vol. ii. p. 343,) "To assert, for instance, that such a country as America could be fairly judged of in six weeks, would be *more absurd* than to say that justice could not be done to it in six years." Yet after a period of observation so short that it would be absurd to draw any inference from it, he is found holding up the United States to derision—and declaring plainly that they had—as a warning—retrograded in consequence of possessing the power of self-government. The object which he had at heart was "to soften in some degree the asperity of that ill will of which it was impossible to deny the existence, and which was looked upon by many persons, in both countries, as a serious international evil." He declares, "I was really desirous of seeing every thing relating to the people, country, *and institutions*, in the *most favourable* light; and was resolved to *represent to my countrymen* what was good in colours, which might incline them to think," &c. Yet on the first opportunity which he enjoys of addressing British subjects—and those, too, who are in immediate contact with Americans—all his powers of sarcasm are employed to render odious and ridiculous, what it pleases him to treat as characteristic of their neighbours. He asks his hearers to thank God that they are not so "unfortunate," as to be in the same predicament with ourselves. And this is stated as the result of his personal observation: "It has fallen in my way *to see*, &c." Let us recollect, too, what Captain Hall has told us of the workings of his own mind, (vol. i. p. 167:) "The melancholy truth is, that *when once* we express *any* opinions, especially if we use strong terms for that purpose, a sort of *parental fondness* springs up for the offspring of our *lips*, and we are ready to defend them for no better reason than because we gave them birth. Travellers, therefore, and others, should be cautious how they bring such a fine family of opinions

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into the world, which they can neither maintain respectably, nor get rid of without a certain degree of *inconsistency*, generally painful, and sometimes ridiculous." Will he be pleased to explain, how he could have expressed an opinion, in "terms" more "strong" than he used in this speech? His sarcasm covers all that is peculiar in our condition, and he declares that peculiarity to be a curse. Strike the Revolution from our History, and we are in the situation of Canada. What would the provincial Attorney-General and his other friends think of the *consistency* of Captain Hall, had they found in his volumes aught in praise of any of those particulars in which the people of the United States differ from *them?* And this is the person who, in publishing a Book, which ministers to the jealousy and contempt he is thus found exciting, holds the following language:— "The reluctance with which I now *take up my pen* to trace the *gradual destruction* of my *best hopes* on the subject, is most sincere, and such as nothing short of a conviction of its being *a duty to my own country* could overcome."

Let us be understood. It may be no crime in Captain Hall to magnify the advantages of Canada. Many people applaud Serjeant Kite's readiness at oath-taking, "give me the book— 'tis for the good of the Service." Speaking of the addition of Canada to the United States, he declares, it would be a matter of serious consequence to England to find *the naval resources of the United States* trebled, if not quadrupled, at a blow." He considers these Colonies not only "useful as nominal dependencies, but, in a negative point of view—as politically *detached from the United States*—even *still more valuable to us.*" "It seems to be a pretty general opinion that there are only *two* alternatives for Canada—*one* is to remain in connexion with the mother country—the *other*, to merge into the Mare Magnum of the American Confederacy." "Nothing but our own indiscretion can ever urge them to court a union with any other power. The cards, to use a common expression, are completely in our hands, and we have only to play them well." All the expenditures on Canada, he is of opinion, "are amply overbalanced by the advantages derived from this connexion, whether they directly advance our commercial and political prosperity, as a naval and manufacturing country, or whether they *limit* the *maritime power of another nation not very friendly to ours.*" It is quite natural that under the influence of such a feeling, he should be disposed to flatter up the Canadians as to the great blessings they enjoy, and the state of their manners; and to represent the United States to them in the most odious point of view, politically and socially. But we *do* complain that whilst from the beginning to the end of his book, he is seen under the unlimited influence of this miserable, peevish jealousy, he should put on the air of a philosopher—a citizen of the world—and re-

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present himself as actuated throughout by an anxious wish to exhibit every thing in the United States in the most favourable light. After employing such language as we have quoted in the *Canada part* of his book, there is to us something very contemptible in his introducing such a declaration as the following, into that allotted to the United States:—"For my own part, I see no limits to this, and should *rejoice with all my heart*, if America were as far advanced in literature, in science, *in military and naval knowledge*, in taste, in the fine arts, in manufactures, *in commerce*—in short, in every thing, as any part of Europe."

It is presumed that the English reader must have expected to find in these volumes some information with regard to the complaints which have been heard from Canada. Mr. Huskisson, the Secretary for the Colonial Department, in the Debate of 1828 declares that the Canadas were "under a system of civil government not adapted to their wants, well being, nor happiness, nor to maintain their allegiance, nor preserve their affection and good understanding with the mother country." He also refers to the circumstance of the Governor "having appropriated the revenue, without the sanction of an act of the legislature, as required by law." In the same Debate, Sir James Macintosh, said, that he had presented "a petition signed by eighty-seven thousand of the inhabitants of Canada, comprehending among its numbers, *nine-tenths of the heads of families* in the Province, and more than two-thirds of its landed proprietors," and shows, that "the petitioners had the gravest causes of complaint against the administration of the government of the Colony." Sir James farther says, "The Government of Quebec, despising these considerations, has been long engaged in a scuffle with the people, and has thought hard words, and hard blows, not inconsistent with its dignity. I observe that twenty-one bills were passed by the Lower House of Assembly, 1827, *most of them reformatory*. Of these, *not one was approved of by the Upper House*. Is the Governor responsible for this? I answer he is. The Council is nothing better than the tool of the government. It is not a fair and constitutional check between the popular assembly and the governor; but it is the governor's council. The counsellors are all creatures of the governor; and they sit in council, not to examine the bills sent to them, but to concur in the acts of the Governor. Of these counsellors, consisting of twenty-seven gentlemen—seventeen hold places under the government at pleasure. These seventeen divide amongst them, fifteen thousand pounds of the public money, which is not a small sum, in a country where one thousand pounds a year is a large income for a country gentleman. I omit the bishop, who is perhaps rather inclined to authority, but of a pacific character. The nine remaining counsel-

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lors were worn out by opposing the seventeen, and at present have withdrawn from attending its deliberations."

The tourist has forborne, for a very curious reason, to give us any account of these disturbances in Canada, and of the parties which have long distracted it. The Falls of Niagara made a great impression on him:—"I felt, as it were, staggered and confused, and at times experienced a sensation bordering on alarm, I did not well know at what—a strong, mysterious, sort of impression that something dreadful might happen. "It "produced a kind of dizzy reverie *more or less* akin to sleep." This feeling he declares he could not shake off. True, he was sufficiently collected a day or two after, for his Brockville speech; but in order to account for "the indifference which I struggled in vain to throw off as to the politics of Lower Canada, although the topic was then swallowing up every other consideration," he gravely declares that he was yet under the stunning influence of the Falls. "Our *recent intercourse with Niagara*, and the many *wild and curious* scenes," &c. When we ask him the meaning of all the noise and clamour, he tells, like Mrs. Sullen in the Beaux Stratagem, of the singing in his ears. But mark the gentleman's consistency with his own story, "It was my intention, however, notwithstanding the appearance of this Report and Evidence, to have inserted, at this place, a sketch of the discussions alluded to, but I thought it right to SUPPRESS it, in consequence of recent changes in that quarter, and the disposition which really *appears* to exist on both sides to start afresh, to turn over a *new leaf*, and to join cordially in advancing the prosperity of a country so highly gifted by nature and by fortune!" He therefore contents himself with referring his readers to documents ordered to be printed on the 22d July, 1828, and, escaping from facts, adopts the more congenial language of assertion. "The foundations of those powers which preserve social order are certainly more stable and better organized in the Provinces than in the United States. *Their rulers do not derive their authority from those over whom their power is to be exercised;* they look *up*, and not *down*, for approbation, and can therefore use that authority with more genuine *independence.*"

It is for Captain Hall's countrymen, rather than for us, to complain of this "suppression." He leaves home for the purpose of seeing things with his own eyes: "I confess I was somewhat incredulous of the *flaming accounts given in England*," &c. Yet after he has made observations on a point of such vital importance as that of the popular sentiment in Canada, he thinks it politic to "suppress" them, and to refer his readers to a mass of documents, which few of them will ever think of looking into, and which Captain Hall, it is to be hoped, never examined, since they exhibit a picture directly the reverse of that which he has drawn. He does not hesitate to recommend to Great

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Britain the completion of vast and expensive works, *cost what they may*, and yet withholds information, which might enable Parliament to decide how far such an expenditure is likely to prove of ultimate benefit. Did he find any thing in the United States to "suppress?" With regard to that people, heavily taxed as he represents them, the only complaint we hear, is of their enthusiastic attachment to the Government. For the public land *there*, a stipulated price is received, and yet it is eagerly sought for and improved. In Canada the people are exempt from taxation, because the pinch of it is felt in Great Britain. The Government, instead of receiving a compensation for its land, not only gives it away, but has incurred an expense of sixty pounds sterling, for each family of Irish paupers, agreeing to accept a hundred acres; and yet the temper is such, that Captain Hall thinks it unwise publicly to repeat the language of disaffection which reached his ear.

Although the roar of Niagara, had so deafened him, that he could not hear the dissensions of Canada, he expresses without hesitation an opinion as to matters, which would seem to demand rather more of patient investigation. Thus he says, "*The Laws*, which are in fact, those of England, are *out of all sight* more steady, and, from that circumstance, besides many others, better *administered* than in the United States." Where he picked up this information, he does not deign to inform us. Mr. Talbot furnishes the following statement: "So complicated are the laws, so indifferently understood, and so ill defined, that law suits are as numerous in every part of the country as excommunications and indulgences were in England, in the early days of Henry the Eighth." "The Laws by which Lower Canada is governed, are the Costume de Paris, or, 'The Custom of Paris,' as it existed in France, in the year 1666, the Civil or Roman Law in cases where the Custom of Paris is silent, the edicts, declarations, and ordinances, of the French Governors of Canada, the Acts of the British Parliament passed concerning Canada, and by the English Criminal Law." "The most grievous restriction under which the Canadians labour, with respect to the tenure of their lands, is that which compels them to pay to the Seigneur, what are termed, *lodes et ventes*, or fines of alienation on all mutations of property, *en roture*. By this law, if an estate changes its proprietors half-a-dozen times in a year, the Seigneur is entitled, on every mutation, to receive one-twelfth of the whole purchase money; which one-twelfth, be it remembered, must be paid by the new purchaser, and is exclusive of the sum agreed to be given to the actual proprietor." "*Relief* is the revenue of one year due to the Lord for certain mutations." See also, his explanation of "Fief," "quinte" "rebat," &c. "It is very unsafe to purchase property in Canada, unless the sale is effected by the agency of a sheriff."

In the Parliamentary discussion of 1828, on the subject of Ca-

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nada, Mr. Huskisson, the Secretary for the Colonial Department, uses the following language: "There is no possibility of suing or being sued, except in the French Courts, and according to the French form and practice; no mode of transacting commercial business, except under French customs now obsolete in France. In Lower Canada, they go upon the law and system of feudal tenure, and *the law is more incapable of ever being improved or modified*, by the progress of information or knowledge, than if it still remained the system of France, and the model of her dependencies."

Certainly, this not only beats *our* Laws "out of sight," according to the Captain's singular expression, but is a fair match for those of Caligula himself, which were "hung upon pillars so high that nobody could read them." (Blackstone.)

As to the *administration* of justice, Mr. Talbot gives us the following information: "The District Judges, unfavourable as public opinion is to their *integrity*, possess, I dare say, *as much* honesty as their most conscientious neighbours, are equally intelligent, and just as deeply read in British Jurisprudence. Many of them in fact, to use plain language, are as ignorant of the laws of the country, as they are of the Code of Napoleon; and the Jurors, who are not the most enlightened men in the world, are said not be over burdened with scrupulous consciences. But they are remarkable for *a noble independence* which causes them to pay as little attention to the charge of a Judge as to the evidence of a witness. The former, they are confident, knows little more than themselves; and as to the latter he might as well tell his tale to the midnight breeze, for they generally enter the box determined respecting the decision which they intend to give. Predilection for a friend, or malice against an enemy, too often influence them in their verdicts. Indeed, they seem to know little, and to care less, about the moral obligation of an oath; and an honest, unprejudiced, decision, the result of mature deliberation and calm conviction, is seldom to be witnessed," vol. i. p. 411–12. "It is an extraordinary circumstance, that there are some few persons, in almost every district, whose appointment to a Commission of the Peace, would add respectability to the magistracy of the country; and yet they are allowed to continue private characters notwithstanding the great necessity there is, for appointing such men to offices under Government. In the London district, in which I have resided for several years, I know many highly respectable individuals, some of whom are half-pay Captains in the British Army, whose names were left out of the Commission of the peace, or rather not included in it, while many of their neighbours were appointed, who would not add to the respectability of a gang of pig-jobbers. The fact is, the *members of the Executive Government seem determined* to place in every department, civil as well as military,

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such men only, as they are confident will at any time lie down, and *allow their superiors to walk over them,*" ib. p. 416.

"If a magistrate, or a military officer, were publicly known to disapprove of any of the measures of the Executive Government, *no matter how subversive those measures might be of the people's rights,* he would very soon be deprived of his little share of 'brief authority,' and allowed to remain the rest of his life a cashiered officer, or broken down esquire," ib. 416.

"When Mr. Gourlay was banished from the country, in a very unconstitutional manner, *his Acquaintance,* most of whom were officers in the Militia, or Justices of the Peace, were, to a man, *deprived of their Commissions,* for the simple crime of having associated with him. Oppressive treatment will alienate even the affections of a child from its parent, and the *arbitrary measures of a Government professing to be free,* especially when such measures are directed against innocent and unoffending individuals, must infallibly weaken the loyalty of a spirited and independent subject. *If another War were to break out between Great Britain and the United States,* I greatly fear, that these discarded officers, *with many thousands of the people in Upper Canada,* would warmly resent the indignity which they have suffered by 'showing a pair of fair heels' to the British Government, *and enlisting under the banners of the hostile power.*"

Captain Hall seems to have rightly thought that this part of the picture was so bare as to require a double portion of varnish.

One of his odd suggestions is, that the terms "Parent State," "Mother Country," &c., are inappropriate to the relationship of England to Canada, and he gravely proposes, (vol. i. p. 414,) though with a great deal of unsailorlike circumlocution, to substitute "Husband and Wife." It is not for us to say how far this is connected with his evident wish to fix on England a perpetual liability for the debts and maintenance of the Colony. Every body knows that, in law, a man becomes thus liable, to third persons, by holding out a woman as his wife, even though no wedding may have taken place. We have nothing to do with this, and only refer to the passage, for the purpose of remarking, that whenever he uses the term "Canada," both provinces are included. It would involve a breach of law, as well as of decency, were the proposal of intermarriage to refer to the two in the disjunctive. Now, amongst the assertions which he makes, with regard to the country thus designated, is the following: "In every part of Canada, we found the inhabitants speaking English." (Vol. i. p. 265.) This universal prevalence of the English language is happily illustrated, when we find ourselves (vol. i. p. 362) in a boat, which had brought up British Government stores, and in which all the boatmen spoke "a corrupted or perhaps antiquated sort of French, of

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which I understood very few words." At page 397, we are introduced to a settlement, where "they spoke French exclusively;" and we hear, (p. 393,) of "the French peasantry, who form the mass of the population in Lower Canada." Mr. Talbot, speaking of his perambulation of Quebec, says, "Not a word of English did I hear; not a face that was English did I see, until, to my great satisfaction, I found myself in a British mercantile warehouse, where, on looking around me, and reflecting on the short excursion I had taken, I was reminded, that instead of having been engaged in placing the last stone in the Tower of Babel, I had only concluded my first walk in the city of Quebec."

Such, then, as we have exhibited it, was the spirit in which Captain Hall *commenced* his serious examination of the United States. Full of prejudices, he confesses a "wish" that they should be confirmed, rather than removed; and he stood publicly pledged to his Canadian friends, and to Consistency, to prove that our escape from a Colonial condition had thrown us back, instead of advancing us, in prosperity, happiness, and strength.

The influence of this temper in leading to the most absurd and determined misconception has already been exposed. It is, perhaps, most ridiculously displayed shortly after recrossing the line, but about matters too trivial to justify our pausing on them. At Albany, however, he found the legislature in session. It seems, that the object of the meeting was, "not to transact the ordinary business of the State, but to revise the laws, a *favourite employment all over the country.*" The method of proceeding is thus described: "After prayers had been said, and a certain portion of the ordinary formal business gone through, the regular proceedings were commenced by a consideration of Chapter IV. of the Revised Laws. It appeared that a joint committee of the two houses had been appointed to attend to this subject, and to report the result of their deliberations. The gentlemen nominated had no trifling task to perform, as I became sensible upon a farther acquaintance with the subject. All the existing Laws of the State, which were very voluminous, were to be compared and adjusted, so as to be consistent with one another, after which the result was printed, and laid before the legislature, so that each chapter, section, and clause, might be discussed separately, when of course the Members of the Council of Revision, had to explain their proceedings."

On the first day of Captain Hall's attendance, the following section came under consideration. "A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms cannot be infringed." One gentleman made a speech, with which the Captain was particularly disgusted, and we have the following glimpse at it. "Du-

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ring this excursion *amongst the clouds*, he referred frequently to the *History of England*, gave us an account of the manner in which Magna Charta was wrested from, 'that monster,' King John, and detailed the whole history of the Bill of Rights." Now we respectfully submit, that however superfluous all this may have been, it was certainly not in the temper which Captain Hall would fain make us believe, is prevalent in all these assemblies. It is, assuredly, very different, from, "For eighteen hundred years the world had slumbered in ignorance of liberty, and of the true rights of freemen," which he considers a characteristic piece of bombast. Here was a man willing to render a deserved tribute to the brave spirits of the olden time. He, it seems, was not afraid to express his gratitude to the Barons of England, assembled at Runnemede, and he referred to that English Bill of Rights, which has furnished to us an invaluable model. Is there any thing here of the "habit" of "depreciating every thing English," which Captain Hall has undertaken to record on the same page?

But these remarks have diffused themselves over a wide space, and the reader will doubtless think it more than time that they should be brought to a close.

We hope that their primary object has not been lost sight of. It is to us, comparatively, unimportant, whether Captain Hall's book may supply materials for "confusing" those who, in Great Britain, regard the present state of things as susceptible of improvement. We are little annoyed at sneers about unbrushed hats, unpolished shoes, and pantaloons of not an exact fit. Still less do we dread its exciting disaffection in the United States, by the array of miseries which the tourist, not finding just at hand, is compelled to seek in anticipation. We are likely to remain content with our cheap government, cheap justice, and cheap food. But a more painful feeling is excited by the declaration of an Officer in the service of Great Britain, that the United States are, in this country, an object of odium, and that it is not worth while to attempt, or even to desire, a change of sentiment. We regret the use which may, be made of what he has thus put on record. Such statements often pass, at the moment, without exciting active resentment, but recur, with a decisive influence, at periods of great excitement for alleged wrongs or indignities. They may rush from the Memory into the Passions on the first petition of an impressed seaman—rendering irresistible the appeal of a citizen forced from beneath the national flag to fight the battles of a country which holds his own in abhorrence, against a friendly power, and under the orders, perhaps, of the very individual who has mixed up this annunciation of hatred, with pointless but insolent sarcasm on the country, its institutions, and its people. Those who are, hereafter, destined, on either side of the Atlantic, to

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look out on the gloom of ocean for dismal tidings of bloody and unnatural strife, and to await in speechless agony the dreaded lists of destruction, may well remember with execration the efforts which seem to be making to prepare the way for a fierce and uncompromising struggle.

It is the object of these pages to expostulate with this spirit of wanton mischief. We will be amply satisfied if they induce an examination of the trifling, but pernicious, volumes to which they refer, in a mood different from that which the author assumes to exist and has laboured to gratify.

We venture to assert, that if thus viewed, the very phrases which Captain Hall has put into the mouths of Americans, to convey an idea of their lofty and sanguine pretensions, and their dislike of England, will be found to indicate, with the greatest clearness, the existence of that deep-seated feeling of deference, from which it is so difficult for a derivative people to disengage themselves. Thus he gives us, in derision, an inquiry made of him, by an American friend, whether we were not "treading close on the heels of the mother country;" and again at Albany, after witnessing the proceedings of the legislature, he was asked, "Do we not *resemble the mother country* much more than you expected? Can it be seriously thought that such language would find its way to the lips of persons who habitually delighted to place their institutions in odious contrast with those of "the mother country?" Would a Protestant in England inquire of a Catholic from the Continent, with an expression of hope, whether his principles and form of worship did not greatly resemble those of the Church of Rome? Alas for the temper of a man like Captain Hall, who, in the sort of *filial* questions put to him, can see nothing but a spirit of vanity and intolerance!

"In no other country," he says, "does there exist such an excessive and universal sensitiveness as to the opinions entertained of them by the English. It may be remarked in passing that they appear to care less for what is said of them by other foreigners; but it was not until I had studied this *curious* feature in the Americans' *long and attentively*, and in all parts of the country, that I came to a satisfactory explanation of it."

In another place, he says, "I remember one evening, being a good deal struck with the driver singing, in a very plaintive style, '*Should auld acquaintance be forgot.*' I afterwards led him into conversation about our common country, as I thought, but to my surprise I found he had never been out of North Carolina, though his feelings appeared nearly as true to the *land of his forefathers* as if they had never left it." Yet Captain Hall is obliged to resort to an invidious hypothesis to explain why the Americans should take a peculiar interest in the opinions entertained of them in "the land of their fore-fathers!"

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Let us try if we can reach his heart, by supposing for a moment that the amiable little personage who has so large a share in these volumes should be destined, amidst the chances of fortune to terminate her days in that country. Does he suppose that she could speedily forget all that she had seen, and heard, and felt in the parent land—and has he yet to learn how those feelings pass from mother to mother, and from nurse to nurse? Does he believe that through a long course of years she would not thrill with enthusiasm, when "auld lang syne," recalled the recollection of that—

> "Land of brown heath and shaggy wood,
> Land of the mountain and the flood;

or that she could ever cease to exclaim—

> "*Land of my sires*, what mortal hand
> Can *e'er* untie the filial band,
> That binds me to thy rugged strand?"

And if a future Scotch tourist should find amongst her descendants, this feeling yet alive—displaying itself in the warmth of his welcome, and in anxiety for his good opinion—how must Captain Hall's indignation kindle at imagining him engaged in framing some stupid and malignant hypothesis to account for all this, and actually converting its existence into a subject of ridicule and disparagement!

The "unkindness" of which he speaks, "may do much," but it has much to overcome.—

> "Naturam expellas *furca* tamen usque recurret."

Let us hope that juster, and more generous sentiments, may be cultivated. It was a custom of the States of Ancient Greece, which conveyed a beautiful moral, that the memorials of their strife should be of perishable materials, and the Thebans were justly rebuked in the Amphictyonic Council, for having commemorated in brass their contest with the Lacedæmonians (Cicero Invent. Lib. 2.) Surely such a policy ought not to be forgotten, because we live in an age of Christianity.

THE END.

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